

On Administrative Procedures

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 27 November 2000 № 107. Repealed by the Code of RK from 29.06.2020 № 350-VI.

Unofficial translation

Footnote. Repealed by the Code of RK from 29.06.2020 № 350-VI (effective from 01.07.2021).

This Law is oriented to establishment of administrative procedures, enabling improvement of organization of management activity, ensuring of uninterrupted functioning of state bodies, operative adoption of management decisions, compliance with rights and freedom of citizens, protection of state interests, non-admission of using official powers in off-duty purposes by state employees.

Footnote. The Preamble as amended by the Laws of the Republic of Kazakhstan dated 18.06.2007 No. 262; dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

Chapter 1. General provisions

Article 1. Basic definitions, used in this Law

1. Administrative procedures mean:

1) procedure for adoption and fulfillment of decisions upon carrying out of state functions and official powers by state bodies and civil servants and their execution, as well as in electronic form;

2) procedure for organization of works of state apparatus;

3) procedures of considering applications of citizens on implementation of their rights, as well as procedures for administrative protection of rights and legal interests of citizens;

4) basic principles of procedures for adoption of decisions in the field of economic.

1-1. The service information means the information created, processed and transferred when performing state functions by the owner, proprietor or user of which is the state.

2. State bodies mean state institutions, authorized by the Constitution, Laws, other regulatory legal acts for carrying out the following functions in behalf of the state:

1) issuance of acts, determining obligatory rules of conduct;

2) management and regulation of social important public relations;

3) control of compliance with compulsory rules of conduct, established by the state.

2-1. Competence of state body means a set of established powers of the state body, determining the subject of its activity;

competence of state body means rights and obligations of the state body;

rights of state body mean possibility to commit certain actions, require certain behavior (actions or abstention from commission of actions) from other person (other persons);

obligations of state body means a circle of actions, performance of which is compulsory by the state body;

tasks of state body mean principal directions of the activity of the state body;

functions of state body mean carrying out of the activity by the state body within its competence.

Competence, powers, functions and tasks of state body shall be established in Constitution, Laws and other regulatory legal acts, passed by the President, Government, superior central state body in respect of it.

2-2. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-3. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-4. (Is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Article 2)).

2-5. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-6. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-7. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-8. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-9. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-10. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No.

89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2-11. Form of details – a document in electronic or another form, established by the legislation of the Republic of Kazakhstan, containing information in accordance with requirements, submitted upon rendering of state services.

2-12. Internal control – control, carried out by the state body over the fulfillment of decisions made by the state body, and also requirements of the legislation of the Republic of Kazakhstan, with its structural and territorial subdivisions subordinate to state bodies and organizations, and by officials.

3. Civil servants in this Law mean the persons, carrying out state functions (functions of the public authority) permanently, temporary or on special power, or performing the organizational and management or administrative and economic functions in the state bodies.

In virtue of requirements of the Constitution, Laws and other regulatory legal acts, civil servants may carry out the following functions, imposed on them:

- 1) on behalf of certain civil servant of the state in the manner of sole disposition;
- 2) on behalf of certain state body and its structural subdivisions in the manner of sole disposition or in collegial manner depending on procedure for adoption of decisions, provided by the legislation in certain state body.

4. Is excluded by the Law of the Republic of Kazakhstan dated 16. 05. 2014 No. 203-V (shall be enforced upon expiry if six months after its first official publication).

5. Is excluded by the Law of the Republic of Kazakhstan dated 16. 05. 2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication).

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 12.03.2004 No. 536; dated 18.06.2007 No. 262; dated 04.12.2008 No. 97-IV (the order of enforcement see Article 2); dated 02.04.2010 No. 263-IV (shall be enforced from 01.01.2010); dated 15.07.2010 No. 337-IV (the order of enforcement see Article 2); dated 01.04.2011 No. 425-IV (shall be enforced from the date of its first official publication); dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication; dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29. 09. 2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 No.376-V (shall be enforced from 01.01.2016); dated 16.11.2015 No. 404-V (shall be enforced upon expiry of 10 calendar days after its first official publication).

Article 2. Limits of the force of this Law

1. Administrative procedures in the part, not regulated by the legislative acts, provided by this Law shall be applied in the activity:

1) of the President of the Republic of Kazakhstan, state bodies and civil servants, ensuring the activity of the head of state, state bodies, immediate subordinate and accountable to the President;

2) of the apparatuses of chambers of the Parliament, Central election commission of the Republic of Kazakhstan;

3) of the apparatuses of the Constitutional Council, Supreme Court and other courts of the Republic of Kazakhstan;

4) of the Government, Office of the Prime Minister, central executive bodies of the Republic of Kazakhstan;

5) of the apparatuses of local representative bodies of the Republic of Kazakhstan;

6) of the local executive bodies of the Republic of Kazakhstan;

7) is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

2. Effect of procedures, provided by this Law shall not be applied to:

1) consideration of the applications of citizens and other cases, procedure for consideration of which is established by the legislation on administrative infractions, criminal procedural and civil procedural legislation;

2) preparation of regulatory legal acts, procedure of preparation of which is provided by other legislative acts;

3) strategic, budget and economic types of planning, procedure for carrying out of which shall be established by the legislation of the Republic of Kazakhstan.

Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 18.06.2007 No. 262; dated 02.04.2010 No. 263-IV (shall be enforced from 01.01.2010) ; dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

Article 3. Principles of establishment of administrative procedures

Administrative procedures, provided by this Law shall be based on the principles of :

1) legality;

2) subordination of inferior state bodies and civil servants to superior;

3) equality of all before the Law and court;

4) priority of rights and freedom of citizens, inadmissibility of the acts of bureaucracy and red-tape upon consideration of the applications of citizens and organizations;

5) obligatoriness for all citizens, organizations and civil servants, provided by administrative procedures of actions and acts;

6) mutual responsibility and balance of the interests of a person, society and the state;

7) hearing of public opinion and publicity under strict compliance with the legislation on state secrets and other secrets, protected by the Law;

8) maintenance of authority of the state power and inadmissibility of actions, enabling to discredit the Republic of Kazakhstan and actions being inconsistent with the interests of state service, as well as resistance of manifestation of corruption, strict compliance with prohibitions and restrictions, established by the legislation for the state employees;

9) unity of requirements of administrative procedures for state bodies of all levels;

10) clear delimitation of the competence and coordinated functioning of all the state bodies and civil servants of the state;

11) economy and effectiveness;

12) is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89 -V (shall be enforced upon expiry of thirty calendar days after its first official publication).

Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 18.06.2007 No. 262; dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

Chapter 2. The procedure of organization and control over the fulfillment of a legal act of individual application

Footnote. The title of Chapter 2 is in the wording of the Law of the Republic of Kazakhstan dated 06.04.2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 4. Decisions-making upon exercising of their functions by the state bodies

Footnote. Article 4 is excluded by the Law of the Republic of Kazakhstan dated 06.04.2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. Requirements for legal acts and their design

Footnote. Article 5 is excluded by the Law of the Republic of Kazakhstan dated 06.04.2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. Organization and control over the fulfillment of a legal act of individual application

1. Organization of the fulfillment of a legal act of individual application shall be in the development and adoption by the official of a relevant authorized state body of measures for the timely and exhaustive fulfillment of the decision taken.

2. If necessary, in order to ensure the fulfillment of a legal act of individual application, the authorized state body (official) shall develop and approve a plan of organizational measures for its fulfillment, which shall be brought to the direct executors.

3. If specific deadlines for its fulfillment and direct executors are not determined in the legal act of individual application, then they shall be established by the state executing agency or superior body and immediately shall be notified to the direct executors.

4. In order to timely and exhaustive fulfillment of decisions taken, a state body or an official shall carry out the control over their fulfillment.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 06.04.2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. The procedure for carrying out of internal control over the fulfillment of a legal act of individual application of a state body, instructions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan

1. Internal control shall be divided into:

1) control over the fulfillment of legal acts of individual application (measures, the implementation of which is provided for by legal acts of individual application). In this case, all legal acts of individual application, which contain measures to be executed shall be taken for control;

2) control over the fulfillment of instructions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and the executive officers of the state body arising from other documents of an official nature.

2. Internal control shall be performed by:

- 1) demanding the necessary information;
- 2) hearing and discussing reports on their fulfillment;
- 3) audit and other forms of documentary verification;
- 4) field visits;

5) other ways, not contradicting the legislation of the Republic of Kazakhstan.

3. Internal control shall be performed on the following parameters:

1) conformity of activity of structural, territorial divisions, subordinate state bodies and organizations and their officials to the tasks assigned to them;

2) timeliness and completeness of fulfillment;

3) compliance with the requirements of the legislation of the Republic of Kazakhstan upon fulfilling.

4. The official or a relevant structural subdivision of a state body authorized to exercise control over the fulfillment of a legal act of individual application that has entered into force or instructions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and senior government officials arising from other documents of an official nature, shall develop measures over the control, if necessary.

At the same time, the official or a relevant structural subdivision of the state body authorized to exercise control, shall analyze the incoming information on its fulfillment to determine:

1) the degree and quality of fulfillment of a legal act of individual application;

2) the presence of deviations in the fulfillment of a legal act of individual application, establishment of their causes and possible measures to eliminate deviations ;

3) the possibility of withdrawing from control or extending the deadline for fulfillment;

4) the responsibility of specific officials for non-fulfillment or improper fulfillment of a legal act of individual application.

The proposals developed on the basis of the analysis of information shall be reported to the management of the state body for making the appropriate decision. The executors of the state body carrying out information analysis shall be informed of the decision.

5. The withdrawal of control and extension of the deadlines for the implementation of the measures provided for in the legal act shall be carried out by the management of the state body.

Withdrawal from the control of instructions of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

6. The control service of a superior state body or an fulfilling body before the expiration of the period of fulfillment specified in a legal act of individual application shall send the respective reminder to the executor in the manner, determined by the regulations of the state body.

Additional issues related to the organization and implementation of internal control may be determined by the state body itself or by a superior-ranking state body.

The effect of this paragraph shall not apply to internal control, carried out by the body on internal control, authorized by the Government of the Republic of Kazakhstan, conducted in accordance with the Budget Code of the Republic of Kazakhstan.

Footnote. Article 7 is in the wording of the Law of the Republic of Kazakhstan dated 06.04.2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. Entering into force and termination of the effect of legal acts of state bodies

Footnote. Article 8 is excluded by the Law of the Republic of Kazakhstan dated 06.04. 2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3. Procedures for organization of work of state bodies

Article 9. Planning of work of state bodies

1. State bodies shall carry out their activity in accordance with strategic and operating plans, as well as with work plans, drawn up for a quarter, year and long-term perspective in case of necessity.

2. State bodies that do not draw up strategic plans shall carry out their activity in accordance with plan works, drawn up for a quarter, year and long-term perspective.

3. Work plans of the state body shall be drawn up in advance on the basis of suggestions of structural subdivisions of a body and in pursuance of legal and regulatory legal acts.

On the basis of work plan of the state body, their work plans shall be drawn up by structural subdivisions of this body.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 263-IV (shall be enforced from 01.01.2010).

Article 9-1. Reglament, provision on the state body and structural subdivision of the state body

Footnote. Title of Article 9-1 is in the wording of the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

1. Is excluded by the Law of the Republic of Kazakhstan dated 06.04.2016 No. 481 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

3. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

4. Is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

4-1. Status and powers of state body shall be determined by the provision on state body.

Instruction on development and approval of provision on state body shall be approved by the Government of the Republic of Kazakhstan.

A standard provision on a government body shall be approved by the Government of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan.

5. On the issues of determining the status and powers of structural subdivision of the state body shall be approved by the provision.

Procedure for development and approval of the Provision on structural subdivision of the state body shall be approved by the Government of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 18.06.2007 No. 262; in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 263-IV (shall be enforced from 01.01.2010); as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from the date of first official publication); dated 21.07.2011 No. 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 06.04.2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 No. 86-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

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Article 9-2 is provided to be amended by the Law of the Republic of Kazakhstan dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication).

Article 9-2. Functions of the state body

Functions of the state body shall be divided to strategic, regulative, implementing and control:

strategic functions are the functions on development, acceptance of plan documents, determination of the state planning system, ensuring of international relations, national security and defence capacity;

regulative functions are the functions on regulatory legal groundwork of implementing the state functions, registration and introduction of the analysis of fulfilling regulatory legal acts, coordination of the activity of state bodies, state assets management;

realization functions are the functions, aimed at fulfillment of planning documents, normative legal acts, achievement of goals and tasks envisaged by the planning documents of the state body, provision of public services, issuance of permits (including licensing, registration, certification);

control functions are the functions on verification and supervision with respect to conformity of the activity of individuals and legal entities, including state institutes to requirements, established by the regulatory legal acts, and in cases, provided by the Laws of the Republic of Kazakhstan, requirements, established by the Laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan and regulations of the Government of the Republic of Kazakhstan.

Allocation of functions on strategic, regulative, implementing and control functions in the structure of state bodies, accountable to the President of the Republic of Kazakhstan shall be determined by the President of the Republic of Kazakhstan, and in central executive bodies – by the Government of the Republic of Kazakhstan.

State bodies shall be prohibited to carry out the functions, not provided for them in the legislation of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 9-2 in accordance with the Law of the Republic of Kazakhstan dated 27.07.2007 No. 315 (shall be enforced from the date of official publication); as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication); dated 24.11.2015 No. 419-V (shall be enforced from 01.01.2016).

Article 10. Sole administrative activity

1. Sole administrative activity – activity, carried out by the officials in state bodies, consisting in the sole signing of legal acts of individual application by authorized officials, giving instructions and mandates to subordinate employees, solely taking other organizational and administrative measures to implement state functions.

2. Head of the state body (with the exception of collegial state bodies) shall carry out management by entrusted body by sole administrative activity and shall bear personal responsibility for legality of adopted decisions.

3. Upon carrying out of sole administrative activity, the inferior civil servants shall carry out their actions in strict accordance with decisions of superior civil servant. If state functions are carried out exclusively by sole administrative activity, in this case, the task of inferior civil servants is ensuring of this activity of the authorized body.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 06. 04. 2016 No. 481-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 11. Activity of collegial state bodies

1. Collegial state bodies are the state bodies, decisions of which are adopted by majority votes of members of these bodies. Responsibility for legality of decisions adopted by collegial body shall be imposed on all the members of collegial body that participated in voting, with the exception of those, voted against during adoption of decision.

2. Basic form of the activity of collegial bodies is their sittings at which decisions of these bodies are adopted.

3. During preparation and holding sittings of collegial state bodies the following questions shall be solved by the authorized bodies (their structural subdivisions) and civil servants:

1) planning of sittings – the plan of holding such sittings shall be developed and approved. This plan shall be developed for a term of quarter and a year respectively, and shall be approved by a head of collegial body or head of a body, ensuring the activity of collegial body, after the relevant coordination. Approved plan shall be brought to notice of interested bodies and civil servants;

2) preparation of questions, submitted at sitting of collegial state body, other organizational arrangements on holding the sitting shall be carried out by its relevant structural subdivisions or body, ensuring the activity of collegial body.

4. Procedure for holding the sittings shall be determined by procedural regulations of collegial state bodies.

5. Minutes on sitting of a collegial body shall be taken.

6. Decisions, adopted at sitting shall be drawn up in accordance with procedural regulation of collegial state body by regulations and shall be brought to notice of

executers. In case of necessity, the plan of arrangements on implementation of adopted decisions shall be developed and approved, the control of their fulfillment shall be established.

Article 12. Consideration and passing of service documents in state bodies

1. Service documents, addressed to state body or immediately to the administration of this body, after their receiving and registration by clerical correspondence service shall be transferred to administration that shall consider them and prepare the mandates (resolutions) basing on them.

2. Upon acceptance of question for consideration, the civil servant of a state body shall become convinced that decision of raised question is in the competence of this body or this civil servant.

3. In case if the question is beyond the established competence, the authorized civil servant shall adopt decision on referral of application to the competent state body or civil servant with compulsory notification of an applicant for the term of no more than three business days.

4. Documents on behalf of the state body shall be signed by its head, person substituting him (her) (in accordance with established distribution of official duties in this body), or another authorized civil servant of this body.

5. Upon referral of document, requiring return to state body, it shall be marked on necessity of return to this state body.

6. The term of consideration of documents in state bodies shall not exceed one month, unless otherwise established by the legislation.

Footnote. Article 12 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12-1. Calculation of terms

1. Term established by the legislation shall be determined by calendar date or pointing on event that shall occur necessarily. The term may be established as the period of time that is calculated by years, quarters, months, weeks, days or hours as well.

2. The term, calculated by years shall begin from calendar date or from the date of occurrence of event by which its beginning is determined and shall expire in the relevant month and date of the last year of term. If expiration of the term falls on the month in which there is no the relevant date, the term shall be expired on the last date of this month.

3. The term, calculated by months shall begin from the calendar date or from the date of occurrence of event by which its beginning is determined, and shall be expired in the relevant day (date) of the last month of term. If expiration of term falls on the month in which there is no the relevant date, the term shall be expired on the last date of this month.

4. The term, calculated by weeks shall begin from the calendar date or from the date of occurrence of event, by which its beginning is determined, and shall be expired in the relevant date of the last week of term.

5. The term, calculated by days shall begin from the calendar date or from the date of occurrence of event, by which its beginning is determined, and shall be expired on the last date of established period.

If the last date of term falls on non-work day, the date of expiry shall be the nearest business day next to it.

6. The term, calculated by hours shall begin from the minute of occurrence of event , by which its beginning is determined, and shall be expired in the last minute of established period.

Footnote. The Law is supplemented by Article 12-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 13. Requirements, submitted to information exchange

1. Information exchange – sending and receipt of information by civil servants of state bodies in the manner, established by the legislation upon carrying out official powers by them.

2. Procedures, regulating information exchange shall enable:

1) uninterrupted functioning of sole information space of Kazakhstan, its entering into world communication system and information science;

2) strengthening of national information safety system, including state information resources.

Adoption of decision by state bodies and civil servants of the Republic of Kazakhstan shall be based on objective and feed-forward information.

3. Information exchange between state bodies and their subdivisions shall be based on baseline minimum volume of mutual information flows, on non-admission of duplication in provided management information.

4. Information procedures shall not allow the disclosure of official information of limited dissemination and other information related to the interests of the state.

Service information of limited distribution shall be given the mark "For official use".

The rules of referring information to official information of limited distribution and working with it shall be established by the Government of the Republic of Kazakhstan.

State employees shall be given service information only for the performance of their official duties. This information cannot be used for off-duty purposes.

5. State bodies shall integrate information systems in the manner and terms established by the authorized body in the field of information, with the exception of information systems containing information relating to state secrets in accordance with the legislation of the Republic of Kazakhstan on state secrets.

6. State bodies shall take measures to reduce (exclude) the use of documents on paper and the requirements for their submission when carrying out of public functions and provision of public services.

In the case of using paper documents in the process of performing administrative procedures, state bodies shall take measures to transfer documents on paper in the form of electronic documents.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 18 June 2007 No. 262; dated 16.11.2015 No. 404-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.11.2015 No. 408-V (shall be enforced from 01.03.2016).

Article 14. Internal control over the fulfillment of official documents

Footnote. The title of Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 29. 10. 2015 № 376-V (shall be enforced from 01.01.2016).

1. Internal control over the fulfillment of instructions of the head of a state body or other superior official, which are not related to the acts, issued by these officials shall be assigned to the relevant subdivisions of this state body.

2. Internal control over the terms of fulfillment of instructions for official documents shall be carried out by the office of the state body.

3. Fulfillment of mandates, given to several executers shall be coordinated by civil servant, mentioned first in the mandate.

4. Before expiration of term of fulfilling the control mandate, the clerical correspondence service shall direct notification about this to the relevant subdivision in advance.

5. In case of necessity of additional time for fulfilling the mandate, an executer shall apply in written to the civil servant that gave the mandate on extension of term for fulfilling the mandate. Additional term of fulfilling the mandate shall be established by the head that gave the mandate.

6. The fulfilled documents shall be removed from control by the civil servant that gave the mandate, or by other authorized civil servant.

Footnote. Article 14 as amended by Law No. 376-V of the Republic of Kazakhstan dated 29.10.2015 (shall be enforced from 01.01.2016).

Chapter 4. Procedures of protection of rights and legal interests of citizen

Article 15. Requirements, submitted to procedures of implementing the rights of citizens

1. Procedures for implementing the rights of citizens shall provide:

1) procedure for implementing the rights, upon which the citizens shall be obliged to provide minimal quantity of documents, confirming the facts being relevant in law to state bodies and civil servants;

2) minimal term of implementing the rights and ensuring of legal interests if citizens;

3) minimal quantity of instances with which the draft decision on implementing the rights of citizens shall be coordinated;

4) advance notifying the citizens on place and time of considering the case by the relevant person or body;

5) possibility of familiarization with case materials, linked with consideration of his (her) application, possibility of personal participation of a citizen in examination on his (her) application;

6) conduct of the case on application of a citizen by one and the same civil servant, not allowing unreasonable transfer of case materials, linked with application of a citizen to other civil servant;

7) non-admission of cases, when consideration of application of a citizen is imposed on a person, in relation of which there are the grounds to suppose that it is not interested in objective decision of a question.

2. Procedures for implementing the rights of citizens shall not allow:

1) applying complaint to the damage of a person, lodged a complaint, or in the interests of which it was lodged;

2) referral of application to civil servants, the actions of which are appealed in application;

3) possibility of disclosure of details without the agreement of citizens about their private life, personal and family secrets;

4) establishment of data on identity of a citizen, not related to the application.

Article 15-1. Rendering of state services

Footnote. Article 15-1 is excluded by the Law of the Republic of Kazakhstan dated 15.04.2013 No. 89-V (shall be enforced upon expiry of thirty calendar days after its first official publication).

Article 15-2. Rendering of information services by state bodies to individuals and legal entities

Footnote. Article 15-2 is excluded by the Law of the Republic of Kazakhstan dated 16.11.2015 No. 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15-3. Notification requirement

Footnote. Article 15-3 is excluded by the Law of the Republic of Kazakhstan dated 16. 05. 2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication).

Article 16. Applications of citizens

1. Procedure for filing applications by citizens, their registration, terms of their consideration by state body shall be determined by the legislation of the Republic of Kazakhstan.

2. In the course of considering the case:

1) state body or civil servant shall establish and research factual circumstances, linked with application, determine legal standards that should be governed upon adoption of decision on application, and in case of necessity shall request and receive necessary documents and materials, required for adoption of decision in established manner;

2) a citizen shall have the right to state the arguments in person to civil servant considering his (her) application, as well as provide additional materials in confirmation of reasonableness of own application.

3. Control of the course of considering the applications of citizens, referred to subdivisions of a state body shall be carried out by the heads of these subdivisions.

4. Applicant shall be given by substantiated response in written form on results of considering the applications by the authorized state body or civil servant.

5. The applications of citizens shall be considered as solved, when the questions raised in them are considered, necessary measures are taken basing on them and the answers are given to applicants in the manner, established by the legislation.

6. If solving the questions is postponed for a long period, the application shall be placed on additional control up to its final fulfillment.

7. An applicant shall have the right to file repeated application on the question that is already considered by the state body (civil servant of a state body) in the manner, established by the legislation, if there are new arguments or newly opened circumstances. Repeated applications without new advanced argumentation or newly opened circumstances shall not be subject to verification, if there are exhausting

materials of verifications basing on them and applicants were given by answer in established manner.

8. The head of state body or his (her) deputy shall have the right to adopt decision on termination of proceeding on applications of citizens and removal of these cases from control.

9. The ground for removal of newly received application from control is the standard type document (office memorandum, certificate) on results of its consideration with annexation of materials of verification or exhausting answer of a state body.

Article 17. Appeal of decision on the results of consideration of a citizen's application

1. The decision taken on application may be appealed by the applicant to a superior state body (to a superior-ranking official) or to the court.

2. The procedure for filing and reviewing a complaint against action (inaction) of officials, as well as acts (decisions) of state bodies shall be established by this Law.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 29. 10. 2015 № 376-V (shall be enforced from 01.01.2016).

Article 18. Application of foreign persons and stateless persons

Applications of foreign persons and stateless persons shall be considered in the manner, established by the legislation, if international treaties, ratified by the Republic of Kazakhstan do not provide other rules of their considering.

Article 19. Personal reception

1. Chief executive officers of state bodies and their deputies shall be obliged to conduct personal reception of citizens, as well as workers of these bodies, not less than once a month, according to the reception schedule, approved by the head of the relevant state body.

2. Reception of citizens shall be conducted in established days and hours and brought to notice of citizens.

3. If the application or complaint may not be solved by civil servant during reception, they shall be stated in written and work with them shall be as with written applications.

Article 20. Clerical correspondence on applications of citizens

1. Clerical correspondence on applications of citizens shall be conducted separately from other types of clerical correspondence in the manner, established by the legislation.

2. Personal responsibility for organization of work with applications of citizens, condition of clerical correspondence shall be borne by the heads of bodies.

Chapter 4-1. Appealing actions (inaction) of officials and acts (decisions) of state bodies

Footnote. The law is supplemented with chapter 4-1 in accordance with the Law of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016).

Article 20-1. The bodies, considering complaints against action (inaction) of officials and acts (decisions) of state bodies

1. Unless otherwise provided by the laws of the Republic of Kazakhstan, consideration of a complaint against action (inaction) of officials, as well as acts (decisions) of state bodies shall be carried out by a superior state body (a superior official).

2. Submission of a complaint to a superior state body (to a superior-ranking official) does not preclude the application to the court for protection of the disputed rights, freedoms and (or) legitimate interests.

3. Actions (inaction) of officials and acts (decisions) of state bodies shall be appealed to the court in the manner prescribed by the laws of the Republic of Kazakhstan.

Article 20-2. The procedure and terms for filing a complaint against actions (inaction) of officials and acts (decisions) of state bodies

1. A complaint against actions (inaction) of officials, as well as acts (decisions) of state bodies shall be submitted to a superior state body (to a superior-ranking official) not later than three months from the day when the person became aware of committing an action (inaction) or adoption of an act (decision).

The submitted complaint shall be subject to registration.

The date of filing a complaint to a superior state body (to a superior-ranking official), depending on the method of filing, shall be:

- 1) in clear order - the date of the receipt of a complaint by a superior state body;
- 2) by mail - the date of a note on acceptance by the postal or other communication organization.

The deadline shall not be considered to be missed if the complaint is sent before the expiration of the term by mail or transferred to a person authorized to accept it. The time for sending a complaint by mail shall be determined by a postmark, and the time of filing to a person authorized to accept it - at the mark of the office or officials of these organizations.

2. In case of missing on a valid reason of the deadline, established by paragraph 1 of this article, this term can be restored by a superior state body (a superior official), considering the complaint, if the other is not provided for by the laws of the Republic of Kazakhstan, upon the petition of the person filing the complaint.

In order to restore the missed deadline for filing a complaint by a superior state body (a superior official), illness, force majeure circumstances and other reasons depriving the person of the opportunity to file a complaint shall be recognized as valid reasons.

At the same time, a petition on restoring a missed deadline for filing a complaint must be accompanied by the document, confirming the existence of valid reasons, specified in part two of this paragraph by a person.

3. The term missed for the appeal shall not be a reason for refusing to accept a complaint by a superior state body (a superior official). The reasons for missing the deadline shall be clarified when the complaint is examined on the merits and can be one of the reasons for refusing to satisfy the complaint.

4. A person who has lodged a complaint superior state body (a superior official) may, before making a decision on this complaint, withdraw it on the basis of his written application. The withdrawal of a complaint by a person shall not deprive him of the right to file a second complaint, provided that the terms are observed, unless otherwise provided by the laws of the Republic of Kazakhstan.

Article 20-3. The form and content of the complaint

1. The complaint shall be submitted in written form.
2. The complaint shall contain:
 - 1) the name of a superior state body (surname, first name, patronymic (if it is indicated in the identity document) of the superior official), to which (whom) the complaint is filed;
 - 2) surname, name, patronymic (if it is indicated in the identity document) and the place of residence of the individual or the full name and location of the legal entity that is filing the complaint;
 - 3) an individual identification number for an individual or a business identification number for a legal entity (branch and representative office);
 - 4) the name of the state body whose act (decision) is appealed, or surname, name, patronymic (if it is indicated in the identity document) of the official whose action (inaction) are being appealed (appealed);
 - 5) the circumstances in which the person, filing a complaint bases his claims and evidences;
 - 6) the date of filing the complaint;
 - 7) the list of documents, attached to the complaint.

3. The complaint may contain other information provided for by the legislation of the Republic of Kazakhstan and / or relevant to the resolution of the merits.

4. The complaint shall be signed directly by the person, submitting it, or by the person who is his representative.

Article 20-4. General rules for considering a complaint

1. On a complaint of a person, a reasoned decision shall be made within a period of not more than thirty working days from the date of registration of the complaint by a superior state body (a superior official).

2. When considering the complaint, the arguments set forth in it shall be comprehensively verified, if necessary, additional materials from relevant officials, organizations and citizens shall be requested with explanations regarding the actions (inaction) of the officials, acts (decisions) of the state bodies.

3. The complaint shall be considered within its content.

4. It shall be prohibited to interfere into the activity of a superior state body (a superior official) when carrying out his powers on considering a complaint and to exert any influence on officials involved in the consideration of a complaint.

5. Peculiarities of consideration of a complaint against action (inaction) of officials and acts (decisions) of state bodies shall be established by the laws of the Republic of Kazakhstan.

Article 20-5. Suspension of the action of an official, fulfillment of an act (decision) of a state body in connection with filing a complaint

In cases provided for by the laws of the Republic of Kazakhstan, filing of a complaint shall suspend the action of an official, fulfillment of an appealed act (decision) of the state body. In other cases, filing of a complaint may entail the suspension of the action of an official, fulfillment of an appealed act (decision) of a state body, if the superior state body (superior official), considering the complaint, shall find it necessary.

Article 20-6. Decision based on the results of consideration of the complaint

1. Upon termination of consideration of the complaint on the merits, a reasoned decision shall be made in written form, which shall be sent or handed to the person who filed the complaint, and a copy of the decision shall be sent to the official, whose actions (inaction) are appealed, or to the state body whose act (decision) is appealed.

2. As a result of consideration of the complaint, a decision may be made to fully or partially satisfy the complaint or to refuse to satisfy the complaint. At the same time,

the earlier decision cannot be changed, if this leads to a worsening of the situation of the person who filed the complaint or the person for whose interests it was submitted.

3. The person, who filed the complaint should be notified of the decision taken on the complaint and the further procedure for appealing it. Refusal to satisfy the complaint should be motivated.

Article 20-7. The form and content of the decision based on the results of consideration of the complaint

1. In the decision on the results of consideration of the complaint, the following shall be indicated:

- 1) the date of the decision;
- 2) the name of the superior state body (the superior official), considering the complaint;
- 3) surname, name, patronymic (if it is indicated in the identity document) of the individual or the full name of the legal entity that filed the complaint;
- 4) an individual identification number for an individual or a business identification number for a legal entity (branch and representative office);
- 5) a summary of the action (inaction) complained of by an official or an act (decision) of a state body;
- 6) the content of the complaint;
- 7) justification with reference to the norms of the legislation of the Republic of Kazakhstan, by which the superior state body (the superior official) was guided (guided) in making the decision on the complaint.

2. The decision may include other information provided for by the legislation of the Republic of Kazakhstan and (or) relevant for the resolution of the complaint on the merits, and also served as the basis for the decision.

Chapter 5. Main procedures of adopting decisions in the field of economy

Article 21. Basic requirements, submitted to procedures for adoption of decisions in the field of economy

1. Procedure for adoption of decisions in the field of economy shall be:
 - 1) publicly available and opened (within the limits, established by the legislation);
 - 2) based on tender principles applicable to citizens and organizations, participated in privatization of state property, pretending to performance of works and rendering of services to the state, sale of goods, obtaining the credits;
 - 3) based on the principle of legal equality of subjects of economic activity independently from the form of ownership and other circumstances;

4) contain automatic issuance of permits in case that the state body fails to submit a reasoned refusal within the terms established by the legislation of the Republic of Kazakhstan on permits and notifications.

2. Requirements, established in paragraph 1 of this Article shall be applied on procedures of adoption of decisions, linked with:

1) distribution of the funds of republican and local budgets (as well as upon placement of state orders and public procurements), allocation of credit resources;

2) issue of permits;

3) presentation of benefits and preferences to the subjects of economic activity, established by the legislation;

4) privatization of state property;

5) management of public assets.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 16.05.2014 No. 203 -V (shall be enforced upon expiry of six months after its first official publication).

Article 22. Restrictions and prohibitions in the scope of adoption of economic decisions

Procedures for adoption of decisions in the field of economic shall provide prohibitions and restrictions that do not allow:

1) unauthorized use of the funds of state budgetary;

2) restriction or elimination of business competition at goods and services market;

3) monopoly position of separate economic subjects at market, with the exception of natural monopolies and monopoly of the state on separate types of activity in the cases, provided by the legislative acts;

4) establishment of preclusions for free movement of a capital, labour forces and goods within single market place of the Republic of Kazakhstan, with the exception of cases, directly provided by the legislative acts;

5) unreasonable reduction of a share of Kazakhstani commodity producers in economy of a country.

Chapter 6. Final and transitional provisions

Article 23. Responsibility for violation of this Law

Violation of this Law shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 23 is in the wording of the Law of the Republic of Kazakhstan dated 18 June 2007 No. 262.

Article 24. Correlation of this Law with other regulatory legal acts

1. Provisions of this Law are basic for development and adoption of regulatory legal acts, regulating separate types of administrative procedures.

2. Legislation on procedure for performance of separate state functions may establish administrative procedures, determining special aspects of the procedure for carrying out of these functions in accordance with this Law.

Article 25. Entering into force of this Law

This Law enters into force upon expiry of six months from the date of its official publication, within which the state bodies and civil servants shall bring their subordinate regulatory legal acts, regulating administrative procedures into compliance with this Law.

The President
of the Republic of Kazakhstan