



On State Regulation of Production and Turnover of Tobacco Products

Unofficial translation

The Law of the Republic of Kazakhstan dated 12 June 2003 No. 439.

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This Law regulates public relations arising in the process of production and turnover of tobacco products.

Article 1. Basic definitions used in this Law

In this Law the following basic definitions are used:

1) Excluded by the Law of the Republic of Kazakhstan dated 31.12.2021 № 100 (shall be enforced from 01.01.2022).

1-1) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

1-2) is excluded by the Law of the Republic of Kazakhstan dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020);

1-3) a pack - a unit of consumer packaging made of cardboard or paper or other material containing a certain amount of tobacco product;

1-4) packing is a unit of a group consumer packaging containing a certain number of packs;

1-5) identification - a procedure that ensures unambiguous recognition of a certain product among such by its distinctive features in the sphere of production, circulation (turnover), and use;

1-6) means of identification – a unique sequence of characters in a machine-readable form , presented in the form of a bar code, or recorded on a radio frequency tag, or presented using another means (technology) of automatic identification;

1-7) labeling – a text, identifier and drawings containing information for the consumer and applied to packs and packages;

2) turnover of tobacco products – export, import, storage, wholesale and retail sale of tobacco products;

3) wholesale sale of tobacco products – sale (shipping) of tobacco products for the following resale;

4) production passport – document reflecting the indices of production facilities of a producer of tobacco products, its main characteristics regulating use of available equipment for compliance with technological process of production;

5) producer of tobacco products – an individual or legal entity that produces tobacco products for sale;

5-1) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

6) production of tobacco products - a set of technological processes that ensure the manufacture of tobacco products that comply with standardization documents;

7) tobacco products - products made in whole or in part from a tobacco leaf and (or) other parts of a tobacco plant as a raw material, prepared in such a way as to be used for smoking, sucking, chewing, sniffing or other means of consumption, including with the help of a tobacco heating system or any other device;

7-1) filter cigarettes – type of smoking tobacco products formed from cut tobacco wrapped by cigarette paper with applying the filter;

7-2) non-filter cigarettes – type of smoking tobacco products formed from cut tobacco wrapped by cigarette paper without applying the filter;

8) authorized body – state body carrying out the control and regulation of production and turnover of tobacco products.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 11 December 2006 № 201 (shall be enforced from 1 January 2007); dated 03.12.2015 № 432-V (shall be enforced from 01.07.2016); dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 07.07.2020 № 361-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020); dated 31.12.2021 № 100 (shall be enforced from 01.01.2022); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on state regulation of production and turnover of tobacco products

1. Legislation of the Republic of Kazakhstan on state regulation of production and turnover of tobacco products is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan regulating relations linked with production and turnover of tobacco products.

1-1. The objectives of regulation in the field of state regulation of the production and circulation of tobacco products shall be state regulation and control of the activities of subjects of production and circulation of tobacco products.

2. If international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of international treaty shall be applied.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 01.07.2024 № 107-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).

Article 3. State regulation of production and turnover of tobacco products

1. State regulation of production and turnover of tobacco products shall be carried out by the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, authorized body, as well as other state bodies within the competence established by the legislation of the Republic of Kazakhstan.

1-1. Regulation in the field of state regulation of the production and circulation of tobacco products shall be based on the following principles:

1) legality in the implementation of state regulation of the production and circulation of tobacco products;

2) justification in the implementation of state regulation of the production and circulation of tobacco products in accordance with the legislation of the Republic of Kazakhstan, technical regulations, sanitary and epidemiological and hygienic requirements;

3) objectivity and transparency in the implementation of state regulation of the production and circulation of tobacco products.

1-2. The objectives of regulation in the field of state regulation of the production and turnover of tobacco products shall be:

1) protection of economic interests and public health;

2) creation of conditions for improving the quality of tobacco products produced and imported into the Republic of Kazakhstan;

3) ensuring compliance with the legislation of the Republic of Kazakhstan on state regulation of the production and circulation of tobacco products.

2. State regulation of production and turnover of tobacco products shall include:

1) licensing of activity on production of tobacco products;

2) regulation of import of tobacco products;

3) control of production and turnover of tobacco products by carrying out the monitoring and establishment of procedure for declaring;

4) determination of minimum retail prices for cigarettes with a filter, without filter, mouthpiece cigarettes, cigarillos and heated tobacco products.

3. State control over the production and circulation of tobacco products shall be carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 11.12.2006 № 201 (shall be enforced from 01.01.2007); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 30.12.2021 № 95-VII (shall be enforced upon expiry of sixty calendar days after the

date of its first official publication); dated 01.07.2024 № 107-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).

Article 4. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop principal directions of state policy in the field of state regulation of production and turnover of tobacco products;

2) is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

3) establish restrictions and prohibitions for import of tobacco products to the Republic of Kazakhstan in accordance with the Laws of the Republic of Kazakhstan;

4) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

4-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

4-2) is excluded by the Law of the Republic of Kazakhstan dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

5) (is excluded);

6) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

8) is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

Footnote. Footnote 4 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13 (shall be enforced from 01.01.2015); dated 11.12.2006 № 201 (shall be enforced from 01.01.2007); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the

day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 5. Competence of the authorized body

Authorized body shall:

1) form and implement state policy in the field of state regulation of the production and circulation of tobacco products;

1-1) develop and approve regulatory legal acts of the Republic of Kazakhstan in the field of state regulation of the production and circulation of tobacco products in accordance with the goals and objectives of this Law and the legislation of the Republic of Kazakhstan;

2) keep control, record and analysis of the balances of the volumes of production and turnover of tobacco products;

2-1) determine minimum retail prices for cigarettes with a filter, without filter, mouthpiece cigarettes, cigarillos and heated tobacco products;

3) issue licenses for production of tobacco products in accordance with the legislation of the Republic of Kazakhstan on permissions and notifications;

4) interact with state bodies on carrying out the control of production and turnover of tobacco products;

5) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

5-1) determine the form, procedure and terms of presenting the details required for carrying out of monitoring;

5-2) determine the form, procedure and terms of presenting declarations on residues and (or) turnover of tobacco products;

5-3) determine the procedure for labeling and traceability of tobacco products by means of identification;

5-4) is excluded by the Law of the Republic of Kazakhstan dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020);

5-5) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

6) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 5 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); as amended by the Laws of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.05.2014 № 203-V (shall

be enforced upon expiry of six months after the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 03.12.2015 № 432-V (shall be enforced from 01.07.2016); dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2021 № 95-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); dated 31.12.2021 № 100 (shall be enforced from 01.01.2022); dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 01.07.2024 № 107-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).

Article 6. Special aspects of conditions of production of tobacco products

Production of tobacco products shall be carried out:

- 1) at address mentioned in the license;
- 2) on equipment that meets the requirements established by standardization documents;
- 3) in existence of the passport of production;
- 4) in existence of buildings and premises belonging to producer of tobacco products on the basis of the right of property or other rights required for production of tobacco products;
- 5) in existence of laboratories on technological control of production of tobacco products.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after the day its first official publication).

Article 7. Details included to the production passport

1. Production passport shall be developed and filled by the producer of tobacco products and directed to the authorized body.

2. Production passport shall contain the following main details:

- 1) technological scheme of production of tobacco products specifying the main characteristics of technological equipment;
- 2) organization of the quality control;
- 3) storage capacity of the finished products;
- 4) standards of consuming tobacco and non-tobacco products, loss rates.

3. In case of changing the details contained in the production passport, the producer of tobacco products shall be obliged to inform documentarily the authorized body in mentioned changes within one month.

Article 8. Monitoring and declaring of production and turnover of tobacco products

1. Persons carrying out the production of tobacco products shall be obliged to provide the details to the authorized body required for carrying out the monitoring in the manner established by the legislation of the Republic of Kazakhstan.

2. Persons engaged in the import and (or) wholesale of tobacco products are required to submit declarations on the balance and (or) turnover of tobacco products to the authorized body.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020).

Article 9. Licensing of the activity on production of tobacco products

Activity on production of tobacco products shall be subject to licensing in accordance with the legislation of the Republic of Kazakhstan on permissions and notifications.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the date of its first official publication).

Article 10. Suspension of validity and deprivation of license

1. License validity for production of tobacco products may be suspended by the licensor in accordance with the Laws of the Republic of Kazakhstan for the term up to six months in cases of:

1) violations of rules established by Articles 6, 7 and 8 of this Law and the legislation of the Republic of Kazakhstan on permissions and notifications;

2) violations of qualification requirements by the licensee;

3) non-carrying out of licensable activity within a year from the date of issuance of the license;

4) refusal from provision of details to the licensor in accordance with his (her) competence or provision of untrustworthy information;

5) violation of the rules for labeling and traceability of tobacco products by means of identification;

2. Deprivation of license for production of tobacco products shall be carried out in a judicial proceeding in accordance with the legislation of the Republic of Kazakhstan on administrative infractions.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 11.12.2006 № 201 (shall be enforced from 1 January 2007); dated 12.01.2007 № 222 (shall be enforced upon expiry of 6 months from the date of its official publication); dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated

05.01.2021 № 407-VI (shall be enforced from 01.01.2020); dated 31.12.2021 № 100 (shall be enforced from 01.01.2022).

Article 11. Sale of tobacco products

1. Within the territory of the Republic of Kazakhstan, tobacco products are sold in accordance with the legislation of the Republic of Kazakhstan.

2. When selling tobacco products, a notification of the import of goods and an acceptance (transfer) certificate must be issued.

The procedure for issuing a notice of import of goods and an acceptance (transfer) certificate is established by the authorized body.

The circulation and movement of tobacco products is prohibited without a notice of importation of goods and an acceptance (transfer) certificate, as well as in violation of the rules for labeling and traceability of tobacco products by means of identification.

3. excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Footnote. Article 11 in the new wording of the Law of the Republic of Kazakhstan dated 03.12.2015 № 432-V (shall be enforced from 01.07.2016); as amended by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 12. Regulation of import of tobacco products

Regulation of import of tobacco products is carried out through approval (change) of excise rates, customs, special, anti-dumping and countervailing duties, quotas for the import of tobacco products.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 08.06.2015 № 317-V (shall be enforced upon expiry of thirty calendar days after the day its first official publication).

Article 13. Responsibility for the breach of the legislation of the Republic of Kazakhstan on state regulation of production and turnover of tobacco products

1. Individuals and legal entities carrying out the activity with the breach of the legislation of the Republic of Kazakhstan on state regulation of production and turnover of tobacco products shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

2. Tobacco products of unidentified origin that do not meet the requirements of the legislation of the Republic of Kazakhstan and the requirements of technical regulations and (

or) sanitary-epidemiological and hygienic requirements, as well as sold without means of identification and in violation of the rules for labeling and traceability of tobacco products by means of identification, shall be subject to seizure and destruction in accordance with the procedure, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 11 December 2006 № 201 (shall be enforced from 1 January 2007); dated 05.01.2021 № 407-VI (shall be enforced from 01.01.2020); dated 31.12.2021 № 100 (shall be enforced from 01.01.2022).

Article 14. Order of enforcement of this Law

This Law enters into force from 1 January 2004.

*The President
of the Republic of Kazakhstan*