



On compulsory tourist insurance

Unofficial translation

The Law of the Republic of Kazakhstan dated 31 December 2003 № 513.

Unofficial translation

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Throughout the text, the words "of tour operator and travel agent" are replaced by the words "of tour operator or travel agent" in accordance with the Law of the Republic of Kazakhstan dated 24.11.2015 № 422-V (shall be enforced from 01.01.2016);

the words "civil liability of the tour operator and travel agent", "civil liability of the tour operator or travel agent", "responsibility of the tour operator or travel agent" shall be replaced by the word "tourist" in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

This Law shall regulate the social relations, arising in connection with the compulsory insurance of a tourist, and establish the legal, economic and organizational basis for its implementation.

Chapter 1. General provisions

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

- 1) assistance - organization of assistance by an assistance company to an insured person through technical, medical and other assistance due to the occurrence of an insured event;
- 2) assistance company - a legal entity that has entered into an agreement with the insurer on provision of assistance to a tourist traveling abroad (the insured) under a contract of compulsory insurance of a tourist;
- 3) beneficiary - a person who, in accordance with this Law, is the recipient of the insurance payment;
- 4) an insured event - an event with the onset of which the contract of compulsory insurance of a tourist provides for the making of insurance payment to the insured (beneficiary);
- 5) an insurance ombudsman - an individual independent in his activity who settles disagreements between participants of the insurance market in accordance with the Law of the Republic of Kazakhstan "On insurance activities";

6) insurance certificate - a document, confirming that there is a valid insurance protection in respect of the insured and containing information about the conditions of insurance coverage for insurance risks, accepted for insurance, issued by the insurer in confirmation of the concluded insurance contract (insurance policy);

7) insurance amount - the amount of money for which the object of insurance is insured and which represents the insurer's maximum amount of liability in case of an insured event;

8) insurance premium - the amount of money that the policyholder is obliged to pay to the insurer for the latter's obligation to pay the insurance payment to the insured (beneficiary) in the amount, specified by the contract of compulsory insurance of a tourist;

9) insurance payment - the amount of money, paid by the insurer to the insured (beneficiary) within the sum insured upon the occurrence of the insured event;

10) insurer - an insurance organization that has obtained a license to carry out insurance activities in the "general insurance" sector or the "life insurance" sector, obliged to make an insurance payment to the insured (beneficiary) upon the occurrence of an insured event within the amount, specified in the contract (insured amount);

11) an insured – a tourist traveling abroad;

12) a policyholder - a tour operator in the field of outbound tourism, who has entered into a contract of compulsory insurance of a tourist with the insurer in favor of the insured;

13) a travel agent – an individual or legal entity, engaged in business activities to promote and sell a tourist product, formed by a tour operator in the field of outbound tourism;

14) compulsory insurance of a tourist - a set of relations to protect the property interests of the insured, associated with the risk of unforeseen expenses due to events, specified in this Law.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 2. Legislation of the Republic of Kazakhstan on compulsory insurance of a tourist

1. The legislation of the Republic of Kazakhstan on compulsory insurance of a tourist shall be based on the Constitution of the Republic of Kazakhstan and shall consist of the Civil Code of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

3. The provisions of this Law applicable to the insurer, including the insurance organization, shall apply to the branches of insurance organizations, that are non-residents of the Republic of Kazakhstan, opened on the territory of the Republic of Kazakhstan.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 399-VI (shall be enforced from 16.12.2020).

Article 3. Purpose and main objectives of compulsory insurance of tourist

1. The purpose of compulsory insurance of a tourist shall be to provide insurance protection of the property interests of the insured in case of unforeseen expenses as a result of events, recognized as insured events, specified in this Law.

2. The main objectives of compulsory insurance of a tourist shall be:

1) ensuring the protection of the property interests of the insured in the amount and manner, established by this Law;

2) performance by a tour operator in the field of outbound tourism of its activities in the presence of a contract of compulsory insurance of a tourist in respect of each tourist;

3) the economic interest of a tour operator and a travel agent in improving the security of rendering of tourist services.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 4. Object of compulsory insurance of tourist

The object of compulsory insurance of a tourist shall be the property interest of the insured, the life, the health of which was harmed as a result of the occurrence of insured events, specified in this Law.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Chapter 2. Ensuring the functioning of the system of compulsory insurance of tourist

Article 5. State control and supervision in the field of compulsory insurance of tourist

1. The state control over the performance by a tour operator in the field of outbound tourism of the obligation to conclude a contract of compulsory insurance of a tourist, established by this Law, shall be carried out by an authorized body in the field of tourist activity.

2. State control and supervision over the activities of insurance organizations is carried out by the authorized body for regulation, control and supervision of the financial market and financial organizations (hereinafter referred to as the authorized body) in accordance with the legislation of the Republic of Kazakhstan.

3. The state control over the performance by a tour operator in the field of outbound tourism of the obligation to conclude a contract of compulsory insurance of a tourist shall be carried out in the form of inspection and other forms.

The inspection shall be carried out in accordance with the Business Code of the Republic of Kazakhstan. Other forms of state control shall be carried out in accordance with this Law.

Footnote. Article 5 is in the wording of the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 № 30-V (Shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020).

Article 6. Persons engaged in compulsory insurance of tourist

Compulsory insurance of property interests of the insured shall be carried out by a tour operator in the field of outbound tourism.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 7. Inadmissibility of performance of activities by a tour operator in the field of outbound tourism without a contract of compulsory insurance of a tourist

A tour operator in the field of outbound tourism shall not be entitled to carry out activities to render tourist services without a contract of compulsory insurance of a tourist.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 7-1. Features of compulsory insurance of tourist

1. A legal entity, registered as an insurance organization, prior to obtaining a license for the right to conduct compulsory insurance of a tourist, shall be obliged to conclude:

1) a contract of participation with the Insurance Indemnity Guarantee Fund in the manner, specified by the Law of the Republic of Kazakhstan “On the Insurance Indemnity Guarantee Fund”;

2) an agreement on provision of assistance to a tourist traveling abroad (insured) for the occurrence of events, recognized as insured events, specified in this Law with an assistance company that has a twenty-four-hour multilingual coordination center and a regional network in the country (place) of temporary stay of the insured or contracts with carriers, medical and other institutions licensed to provide services to the insured.

The amount of assistance for each insured and insured event, provided by the assistance company, shall be determined by the limit of the insurer's liability.

The requirements for an assistance company with which the insurer enters into an agreement on the provision of assistance to the insured, as well as the procedure for interaction of the insurer with the assistance company, shall be established by a regulatory legal act of the authorized body.

2. Is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

3. Insurers shall have the right to participate in creation of organization carrying out the formation and keeping of informational data base on insured risks, insured accidents and insurance payments on compulsory insurance of responsibility of the tour operator and travel agent.

4. Insurance organizations licensed to provide compulsory insurance of a tourist shall be obliged to pay mandatory contributions and form contingent liabilities in the manner, prescribed by the regulatory legal acts of the authorized body.

Footnote. The Law is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 07.05.2007 № 244; is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV; as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 № 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 7-2. Informational interaction

State bodies and other organizations that possess information necessary to confirm the occurrence of an insured event and determine the amount of compensation for damage, caused to the property interests of the insured, must provide this information to the insurer, the policyholder (the insured, a beneficiary), and the insurance ombudsman when they apply.

Footnote. Chapter 2 shall be supplemented by Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 №. 166-VI (shall be enforced from 01.01.2019)

Chapter 3. A contract of compulsory insurance of tourist

Article 8. A contract of compulsory insurance of tourist and procedure for its conclusion

Footnote. The title of Article 8 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 № 422-V (shall be enforced from 01.01.2016).

1. Compulsory insurance of a tourist shall be carried out on the basis of a contract, concluded between the policyholder and the insurer in favor of the insured in accordance with this Law and the Civil Code of the Republic of Kazakhstan (Special Part).

Conclusion of a contract of voluntary insurance by the insured shall not relieve the insured from the obligation to conclude a contract of compulsory insurance of a tourist.

2. Is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

3. The insurer shall not be entitled to refuse the insured to conclude a contract of compulsory insurance of a tourist, except for the cases provided for by the laws of the Republic of Kazakhstan.

4. Under the contract of compulsory insurance of a tourist, the policyholder shall be obliged to pay the insurance premium, and the insurer shall undertake an obligation to make an insurance payment to the insured person (beneficiary) on the basis of the contract concluded, taking into account the requirements of this Law, except for the requirements, related to compensation for moral harm and loss of profits, as well as the payment of a penalty.

5. The contract of compulsory insurance of a tourist shall be concluded through the formalization of an insurance policy by the insurer to the policyholder in electronic form and an insurance certificate.

When concluding a contract of compulsory insurance of a tourist, the policyholder, depending on the country (place) of temporary stay and the number of travel days, specified in the tourist service contract, shall choose one of the insurance programs, provided for in the annex to this Law, according to which the insurer's maximum liability (insured amount) and the types of expenses subject to reimbursement comply with the requirements of international treaties and the legislation of the country (place) of the temporary stay of the insured in part of insurance of life and health of a tourist.

The basis for the conclusion of a contract of compulsory insurance of a tourist shall be the application of the policyholder, containing the data necessary for calculation of the insurance premium and identification of the policyholder, the insured.

Responsibility for the incompleteness of the conditions to be specified in the contract of compulsory insurance of a tourist shall be borne by the insurer. In the event when a dispute arise from an insurance contract due to the incompleteness of its individual conditions, the dispute shall be resolved in favor of the insured.

The policyholder solely through a travel agent must:
issue an insurance certificate to each insured person;
submit an insurance policy upon the request of the insured.

5-1. Requirements for the content and registration of the insurance policy and insurance certificate for compulsory insurance of a tourist shall be established by the legislation of the Republic of Kazakhstan on insurance and insurance activities.

6. Compulsory insurance of a tourist shall be carried out by insurance organizations that have a license to carry out insurance activities for this type of compulsory insurance.

7. If a contract of compulsory insurance of a tourist is concluded on conditions that worsen the position of the policyholder and the insured compared with those provided for by this Law, then when the insured event occurs, the insurer shall be under the obligations to the policyholder and the insured under the conditions, established by this Law.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 № 422-V (shall be enforced from 01.01.2016); dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 8-1. Requirements for the insurer and Internet resources when concluding a compulsory tourist insurance contract and settling insured events through exchange of electronic information resources

1. When concluding a contract of compulsory tourist insurance in electronic form and settling insured events under it, the Internet resource and (or) the insurer's information system shall be used for the exchange of electronic information resources between the organization for the formation and maintenance of the database, the insurer and the insurant (insured, beneficiary).

When applying for the conclusion of a compulsory tourist insurance contract in electronic form and settlement of an insured event, the insurant is not required to use specialized software.

On the Internet resource of the organization for the formation and maintenance of the database a link shall be placed to the Internet resource of the insurance organization used for the conclusion of the contract of compulsory insurance of a tourist and settlement of insured events in electronic form.

2. The procedure for exchange of electronic information resources between the organization for the formation and maintenance of the database and the insurer, the insurer and insurant (insured, beneficiary) shall be determined by the regulatory legal act of the authorized body.

3. When concluding a contract of compulsory tourist insurance and settling insured events under it using the insurer's Internet resource, the insurer is obliged to assure:

1) immediate sending of a notification to the policyholder, the insured of the conclusion of the compulsory tourist insurance contract or refusal to conclude it (indicating the reasons for the refusal) in the form of an electronic message;

2) notification of the insurant (insured) of the main stages of the insurance claim settlement process, including refusal to accept documents for settlement (indicating the reasons for refusal), in the form of an electronic message as prescribed by the regulatory legal act of the authorized body;

3) possibility for the insurant (insured) to check the information on the concluded contract of compulsory tourist insurance on the Internet resource of the insurance organization;

4) possibility for the insurant (insured, beneficiary) to check the information on the insured event under the contract of compulsory tourist insurance on the Internet resource of the insurance organization;

5) storage of the contract of compulsory tourist insurance in electronic form and information on the insured event on it with the provision of round-the-clock access for the insurant, insured to the insurer's Internet resource;

6) possibility for the insurant (insured, beneficiary) to create and send to the insurer information in electronic form (applications, notifications and (or) other documents, data) required for:

concluding a compulsory tourist insurance contract;

early termination of the contract of compulsory tourist insurance;

notification of the occurrence of an insured event (event considered as an insured event);

settlement of disputes arising from the contract of compulsory tourist insurance, taking into account the specifics provided for in Article 20-1 of this Law.

Notification of the conclusion of a contract of compulsory insurance of a tourist and settlement of insured events thereunder shall be sent from the organization for the formation and maintenance of the database.

The requirements for the procedure and content of notifications on the conclusion of a contract of compulsory tourist insurance and settlement of insured events thereunder shall be determined by the authorized body.

4. When the contract of compulsory tourist insurance is concluded through the exchange of electronic information resources, the insurance contract shall be deemed to have been concluded by the insurant from the moment of payment of the insurance premium by the insurant, unless otherwise provided for in the contract of compulsory tourist insurance.

5. When concluding a contract of compulsory tourist insurance through the exchange of electronic information resources, the insurant shall pay the insurance premium after familiarization with the conditions of insurance provided for in this Law, confirming thereby his consent to conclude a contract of adhesion on the terms and conditions offered to him.

6. The insurer shall provide the possibility to conclude compulsory tourist insurance contracts and settle insured events on them using the Insurer's Internet resource around the clock.

Footnote. Chapter 3 shall be supplemented by Article 8-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); as amended by the Law of the Republic of Kazakhstan dated 12.07.2022 № 138-VII (effective from 01.01.2024).

Article 9. Period of validity of a contract of compulsory insurance of a tourist

1. A contract of compulsory insurance of a tourist shall enter into force and become binding for the parties after the policyholder pays the insurance premium from the moment the insured receives the mark of a structural subdivision of the territorial subdivision of the Border Service of the National Committee for Security of the Republic of Kazakhstan about crossing the State Border of the Republic of Kazakhstan.

2. The period of validity of a contract of compulsory insurance of a tourist may not be less than the duration of the trip, determined by the contract for tourist services. A contract of compulsory insurance of a tourist shall be valid until the moment when the insured person crosses the State Border of the Republic of Kazakhstan when leaving the territory of insurance, but not later than the expiration date of the insurance period specified in the contract of compulsory insurance of a tourist, except for the case of a tourist staying abroad for an additional period due to a flight delay.

The contract of compulsory insurance of a tourist shall not cease its validity in the first insured event.

When the insured is located outside the Republic of Kazakhstan and the number of travel days increases under the travel service contract, the policyholder shall conclude a new contract of compulsory insurance of a tourist for additional days of stay of the insured in the country (location) of the temporary stay.

3. The territory of validity of the contract of compulsory insurance (insurance territory) of a tourist shall be the territory of rendering tourist services.

The insurance territory for compulsory tourist insurance programs shall be established by a regulatory legal act of the authorized body.

Unless otherwise provided by the contract of compulsory insurance of a tourist, the following shall be excluded from the insurance territory:

- 1) territories not recommended by the authorized state bodies of the Republic of Kazakhstan for visiting;
- 2) the states in which the insured has a temporary residence permit or other document permitting the stay in the insurance territory for more than 90 days continuously;
- 3) the state in which the insured is a citizen.

The condition on exclusion of the territory shall not apply in the cases where the insurance territory falls under the exclusion, established by subparagraph 1) of part three of this paragraph, after the conclusion of a contract of compulsory insurance of a tourist.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); as amended by the Law of the Republic of Kazakhstan dated 16.11.2020 № 375-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 10. Termination of a contract of compulsory insurance of a tourist

The contract of compulsory insurance of a tourist shall be terminated in the following cases:

- 1) the expiration of the contract;
- 2) early termination of the contract;
- 3) the insurer makes an insurance payment (insurance payments) in the amount of the sum insured defined in the contract of compulsory insurance of a tourist.

Article 11. Early termination of a contract of compulsory insurance of a tourist

1. The contract of compulsory insurance of a tourist shall be terminated ahead of time in the cases, established by the Civil Code of the Republic of Kazakhstan.

2. If the early termination of the contract of compulsory insurance of a tourist is caused by non-fulfillment of its conditions due to the fault of the insurer, the latter shall return to the insured the insurance premium paid by him in full. In the cases of early termination of the contract of compulsory insurance of a tourist due to circumstances, specified by the Civil Code of the Republic of Kazakhstan, the insurer shall have the right for a part of the insurance premium in proportion to the time during which the insurance was valid.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 12. Rights and obligations of policyholder and the insured

Footnote. The title of Article 12 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

1. The policyholder shall have the right:

1) to require the insurer to clarify the conditions and the procedure for compulsory insurance of the tourist, his rights and obligations under the contract of compulsory insurance of a tourist;

2) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019);

3) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019);

3-1) to apply to the insurer, taking into account the specifics, provided for in Article 20-1 of this Law, or the insurance ombudsman or the court to resolve the issues arising from the contract of compulsory insurance of a tourist;

4) send an application and attached documents to the insurance ombudsman (directly to the insurance ombudsman, including through its Internet resource, or the insurer, including through its branch, representative office, another separate structural unit, or Internet resource) , taking into account the features provided for Law of the Republic of Kazakhstan "On Insurance Activities";

5) to early terminate the contract of compulsory insurance of a tourist.

2. The policyholder shall be obliged:

1) to conclude a contract of compulsory insurance of a tourist with an insurer having an appropriate license;

2) to pay the insurance premium in the amount, manner and terms, established by the contract of compulsory insurance of a tourist;

3) not later than two working days, when he became aware of the insured event, to notify the insurer (orally, in writing). The oral message must be subsequently confirmed in writing;

4) when concluding a contract of compulsory insurance of a tourist, to provide the insurer with the information necessary for inclusion in the contract of compulsory insurance of a tourist.;

5) notify the person to whom the insured sold the tourist product formed by the tour operator in the field of outbound tourism, of the conclusion of a compulsory tourist insurance contract with the insurer in favour of this person.

2-1. The insured shall have the right to:

1) choose an insurer to conclude a contract of compulsory insurance of a tourist;

2) obtain an insurance certificate and, if necessary, an insurance policy;

3) require the insurer and (or) the policyholder to clarify the conditions and procedure for compulsory insurance of a tourist, his rights and obligations, reflected in the insurance policy and insurance certificate;

4) inform the insurer of the cases of non-provision, incomplete or poor-quality provision of services under a contract of compulsory insurance of a tourist;

5) get acquainted with the amount of insurance payment made by the insurer;

6) apply to the insurer, taking into account the specifics provided for in Article 20-1 of this Law, or the insurance ombudsman or the court to resolve the issues arising from the contract of compulsory insurance of a tourist;

7) send an application and attached documents to the insurance ombudsman (directly to the insurance ombudsman, including through its Internet resource, or the insurer, including through its branch, representative office, another separate structural unit, or Internet resource) , taking into account the features provided for Law of the Republic of Kazakhstan "On Insurance Activities";

8) receive the insurance payment in the cases, provided for by this Law;

9) obtain a duplicate of the insurance certificate and, if necessary, a copy of the insurance policy in case of their loss.

2-2. The insured shall be obliged:

1) when concluding a contract of compulsory insurance of a tourist, to provide the policyholder with the information necessary for inclusion in the contract of compulsory insurance of a tourist;

2) to review and strictly comply with the conditions under the contract of compulsory insurance of a tourist, as reflected in the insurance policy and insurance certificate;

3) to ensure the safety of the insurance policy (if available) and (or) the insurance certificate and the supporting documents, relating to the insured event;

4) to take measures to reduce losses from the insured event;

5) upon occurrence of the insured event, immediately, personally or through a representative, to notify the assistance company about the incident by any of the available

methods of communication, specified in the insurance certificate; report the data of the insurance certificate and (or) insurance policy to the assistance company in order to organize technical, medical and other assistance, coordination of actions and expenses;

6) upon the occurrence of an insured event, to follow the recommendations, instructions of the assistance company, the insurer and other competent persons of the authorities of the country (place) of temporary stay;

7) to provide the insurer with the available documents necessary to clarify the circumstances about the nature and size of the damage caused by the insured event;

8) when receiving medical assistance in an emergency and it is impossible to immediately notify the assistance company for valid reasons about the insurance event, to notify the assistance company within two days or as soon as possible;

9) to submit, upon request of the insurer, the documents in a foreign language with a notarized translation into the Kazakh or Russian languages;

10) to ensure the transfer to the insurer of the right for reverse claim to the person responsible for the occurrence of the insured event.

3. The contract of compulsory insurance of a tourist may provide for other rights and obligations of the policyholder and the insured, not contradicting the legislative acts of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 10.01.2018 № 134-VI (shall be enforced upon expiry of six months after its first official publication); dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 13. Rights and obligations of the insurer

1. The insurer shall be entitled:

1) when concluding a contract of compulsory insurance of a tourist, to require the policyholder to provide information about the insured person, which is necessary for entering into the contract of compulsory insurance of a tourist;

2) to request, in the manner established by the legislation of the Republic of Kazakhstan, from the relevant state bodies and organizations, on the basis of their competence, the documents and information, related to the fact of the insured event and determination of the amount of harm caused as a result of the insured event;

3) to take part in the settlement of issues related to the claims of the insured on compensation for harm caused as a result of the occurrence of insured events specified in this Law;

4) to claim the right of the reverse claim to the person responsible for causing harm in the cases provided for in Article 19 of this Law;

5) to refuse to make insurance payments in full or in part on the grounds, provided for in Article 20 of this Law.

2. The insurer shall be obliged:

1) to familiarize the policyholder with the conditions and procedure for compulsory insurance, including the rights and obligations of the parties arising from the contract of compulsory insurance of a tourist;

2) when concluding a contract of compulsory insurance of a tourist, to issue an insurance policy and an insurance certificate;

2-1) upon notification of an insurance case (a case considered as an insurance case) that occurred during the period of validity of insurance coverage under a contract of compulsory insurance of a tourist, immediately register it and provide information on this insurance case (a case considered as an insurance case) to the organization for the formation and maintenance of the database in accordance with the regulatory legal act of the authorized body;

3) upon the occurrence of an insured event, to make an insurance payment in the manner and on the conditions, provided for by this Law;

4) if there is lack of documents, confirming the occurrence of the insured event and the amount of damage to be compensated by the insurer, within three working days from the date of receipt thereof, to inform the applicant about this with an indication of the full list of missing and (or) incorrectly executed documents;

4-1) when receiving an application from the policyholder, the insured (beneficiary), to consider the requirements of the policyholder, the insured (beneficiary) and provide a written response indicating the further procedure for settling the dispute within five working days;

4-2) upon receipt from the policyholder, the insured (beneficiary) of the application sent to the insurance ombudsman, to redirect this application, as well as the documents attached thereto to the insurance ombudsman within three working days from the date of receipt;

4-3) within five working days from the date of receipt of the documents from the insured, specified in Article 18 of this Law, to determine the amount of insurance payment and submit it to the insured for review;

5) to ensure the secrecy of insurance;

6) to reimburse expenses to the insured, incurred by him in order to prevent or reduce losses in case of an insured event;

7) to enter into contracts with one and (or) several assistance companies that undertake to provide assistance under the contract of compulsory insurance of a tourist.

3. The contract of compulsory insurance of a tourist may also provide for other rights and obligations of the insurer that do not contradict the legislative acts of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); dated 12.07.2022 № 138-VII (

shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Chapter 4. Insured amount and insurance premium

Article 14. Limits of insurer's liability

1. The limit of the insurer's liability (the insured amount) for insurance programs, the types of expenses subject to reimbursement for each insured event, shall be established in the annex to this Law.

2. The limit of the insurer's liability (the insured amount) shall be established in the United States dollars (hereinafter - the US). To calculate the amount of insurance payment, the US dollar shall be used at the rate established by the National Bank of the Republic of Kazakhstan at the date of the insurance payment.

In cases, stipulated by international treaties, the legislation of the country (place) of temporary stay, the contract of compulsory insurance of a tourist, the maximum liability of the insurer for compensation for harm caused to the life and health of the insured shall be established in euros.

3. The expenses incurred by the insured to prevent or reduce losses shall be reimbursed by the insurer if such expenses were necessary or were incurred to comply with the instructions of the insurer, even if the relevant measures were unsuccessful.

Such expenses shall be reimbursed in actual amounts, while the total amount of insurance payment and reimbursement of expenses should not exceed the sum insured established by the contract of compulsory insurance of a tourist. If the expenses incurred as a result of the fulfillment by the insured of the insurer's instructions, they shall be reimbursed in full, regardless of the sum insured due to him under the contract of compulsory insurance of a tourist.

These expenses shall be reimbursed by the insurer directly to the person who incurred them.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (effective from 01.01.2019).

Article 15. Amount of insurance premium

1. The amount of the insurance premium under the contract of compulsory insurance of a tourist shall be calculated separately for each insured for each day and shall be in the following amounts in US dollars at the rate set by the National Bank of the Republic of Kazakhstan at the date of the conclusion of an insurance contract for one trip:

Number of days of a trip	Program 1	Program 2	Program 3
up to 10	1,12	1,51	1,83
from 11 to 20	1,12	1,48	1,70

from 21 to 40	1,12	1,43	1,59
from 41 to 60	1,03	1,40	1,53
from 61 to 90	1,03	1,35	1,48
91 and more	0,95	1,30	1,40

For the purpose of calculating the insurance premium, the number of days (terms) of the stay of the insured in the territory of the country (place) of temporary stay, including the time in transit, shall be used.

When the contract of compulsory insurance of a tourist establishes the maximum liability of the insurer for compensation for harm, caused to the life and health of the insured, in euros in cases, stipulated by international treaties, the laws of the country (place) of temporary stay, the amount of insurance premium shall be calculated separately for each insured and shall be in the above mentioned amounts in euro at the rate set by the National Bank of the Republic of Kazakhstan, on the date of conclusion of the insurance contract.

2. When concluding a contract of compulsory insurance of a tourist, the amount of the insurance premium provided for in paragraph 1 of this article may be increased by the insurer based on the results of the insured risk assessment carried out by him, but not more than twice

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 16. Insurance premium payment procedure

1. The insurance premium shall be paid by the policyholder as a one-time payment.

2. The insurer shall provide the opportunity to pay the insurance premium in a cashless way through the Internet resource of the insurer.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Chapter 5. Insured accident and insurance payment

Article 17. An insured event and determination of the amount of insurance payment

1. The following events shall be recognized as an insured event, occurring after the entry into force of a contract of compulsory insurance of a tourist:

1) an accident that occurred in the insurance territory that resulted in a death of the insured or damage to his health.

An accident means a sudden, unforeseen, unintentional, external event or impact on the insured;

2) a sudden acute illness, a sharp deterioration in the state of health and (or) an exacerbation of a chronic disease, requiring an emergency and urgent medical care to the insured to prevent significant harm to health or eliminate the threat to life.

2. The amount of insurance payment shall be determined by the insurer based on the amount of the actual expenses of the insured on the basis of documents, confirming these expenses, submitted by the insured or the assistance company.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 18. Conditions and procedure for making insurance payments

1. The requirement for an insurance payment to the insurer shall be presented in writing, including through the Internet resource of the insurer in accordance with the regulatory legal act of the authorized body, by the insured person or by the assistance company when assisting the insured person with the documents necessary for making the insurance payment.

At the request of the insurer, the applicant shall be obliged to submit the original documents to the insurer necessary for the implementation of the insurance payment, except for documents available in electronic form in the databases and (or) information systems of state bodies, to which the insurer has access.

2. The following documents shall be attached to the application for insurance payment:

1) a copy of an identity document or a passport of the insured person with marks of a structural subdivision of the territorial subdivision of the Border Service of the National Committee for Security of the Republic of Kazakhstan about crossing the State Border of the Republic of Kazakhstan and (or) a document that shall be the basis for the stay of the insured person on the territory of insurance;

2) the original or a notarized copy of the document confirming the occurrence of the insured event and the amount of harm caused to the life and health of the insured, including:

medical documents with the address and contact details of the medical institution and the doctor, containing information about the date of seeking medical care, the state of health of the insured at the time of seeking medical care, the diagnosis, prescription (prescription) of the doctor, medical procedures carried out and the drugs provided itemized by quantity, date and cost;

documents confirming the fact of payment for medical and other services, rendered to the insured as a result of the insured event, indicating the amount, currency, date of payment;

documents confirming the fact of payment for goods and services (commodity checks, invoices, payment receipts and other documents) with an indication of their name, quantity and price;

medical records to ascertain the use of a psychoactive substance and the drunken state of the insured are submitted in the event of an accident;

documents of law enforcement, judicial and other competent bodies confirming the fact of an accident and the circumstances of its occurrence are submitted in the event of an accident;

a copy of the certificate or notice of death, the conclusion of a forensic medical examination or a protocol of a post-mortem autopsy shall be submitted in the case of the death of the insured;

documents confirming the cancellation or exchange of travel documents (tickets, boarding passes), refusal of a room booked in a hotel, as well as other tourist services provided to the insured for the unused part of the period of stay abroad are presented with a forced longer stay in the country (place) of the temporary stay or early return to the territory of the Republic of Kazakhstan due to the insured event;

travel documents (ticket, boarding passes) - when transporting minor children and (or) close relatives of the insured;

documents confirming the telephone calls, messages to the insurer and the assistance company on the telephone numbers specified in the insurance certificate or insurance policy;

documents confirming the costs associated with the measures taken to prevent and reduce losses;

documents confirming the identity and rights of the beneficiary, - if necessary.

3. The insurer who has accepted the documents shall be obliged to issue a certificate to the applicant indicating the full list of submitted documents and the date of their acceptance.

If the applicant submits an application for insurance payment electronically, the insurer may submit this certificate in an electronic form.

4. When making an insurance payment, the insurer shall not have the right to require the insured (beneficiary) to accept conditions that restrict his right to claim on the insurer.

5. The beneficiary shall be the person determined by the insured, and in the event of the death of the insured - his heirs.

6. Insurance payment shall be made by the insurer through:

reimbursement of expenses of the insured due to the occurrence of the insured event and the receipt of medical assistance by the insured in an emergency case without notifying the assistance company for good reasons not later than fifteen working days from the date of receipt of the documents, specified in paragraph 2 of this article;

payment of the cost of services rendered by the medical and other institutions to the insured person in agreement with the assistance company in the manner, prescribed by the regulatory legal act of the authorized body.

7. In the cases when the amount of the insurance payment is disputed by the parties to the contract of compulsory insurance of a tourist or the beneficiary, the insurer shall be obliged to make an insurance payment in that part which is not contested by any of these persons, during the period established by paragraph 6 of this article.

The disputed part of the insurance payment must be paid by the insurer within three working days from the day the court ruling on the settlement agreement or the court decision on the dispute comes into force, unless the court has ordered immediate execution of the decision.

8. The claim for insurance payment for the damage caused during the period of validity of the contract of compulsory insurance of a tourist may be presented to the insurer within three years from the moment the insured event occurs.

9. In the event of late payment of insurance payment, the insurer shall pay the insured (beneficiary) a penalty in the manner and amount, established by the Civil Code of the Republic of Kazakhstan (General Part).

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); as amended by the Law of the Republic of Kazakhstan dated 16.11.2020 № 375-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

Article 19. Right of reverse claim to the person who caused harm

The insurer who has paid the insurance payment, shall receive the right of reverse claim to the person guilty of causing harm to the life and health of the insured within the amount paid.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

Article 20. Grounds for release of the insurer from making the insurance payment

1. The insurer shall be entitled to fully or partially refuse to pay the insurance indemnity if the insured event occurred as a result of:

1) the intentional actions of the insured, aimed at the occurrence of the insured event or contributing to its occurrence;

2) actions of the insured, recognized in the manner, established by the legislation of the Republic of Kazakhstan, intentional criminal or administrative offenses that are in a causal relationship with the insured event.

2. The ground for refusal of the insurer from making the insurance payment may be:

1) receipt by the insured of an appropriate compensation for the loss from the person responsible for causing the loss;

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

3) circumstances of insuperable force;

4) failure to submit documents by the insured to the insurer, attached to the claim for insurance payment in full in accordance with paragraph 2 of Article 18 of this Law, except for the documents for each individual insured event, which are presented on the basis of the actual expenses incurred;

5) making of the insurance payment by the insurer within the insured amount;
6) the grounds provided for by subparagraphs 1) and 2) of paragraph 1 of Article 839 of the Civil Code of the Republic of Kazakhstan.

2-1. In addition to the grounds provided for in paragraphs 1 and 2 of this article, the insurer shall be exempt from the insurance payment in the following cases:

1) involvement of the insured in the professional sports;
2) events, occurring due to the presence of the insured in a state of severe intoxication, as well as narcotic or toxic intoxication, except for the following cases:

drug use as prescribed by the attending physician;
involuntary use of narcotic, toxic substances or their forced introduction, established by the law enforcement body and (or) court;

3) voluntary refusal by the insured from the medical transportation from the country (place) of temporary stay to the Republic of Kazakhstan or fulfillment of the instructions of the attending physician received by the insured in connection with the application on the insured event.

3. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

4. If there are grounds for denial of insurance payment, the insurer shall be obliged, within seven working days from the date of receipt of the documents provided for in Article 18 of this Law, to send to the person who submitted the application for insurance payment the appropriate decision on the full or partial refusal of the insurance payment in writing with a reasoned justification of the reasons for refusal and notification of the right of the insured (insured, beneficiary) to apply to the insurance ombudsman to resolve disputes, taking into account the specifics of the legislation of the Republic of Kazakhstan.

5. Insurer shall not have the right to refuse from insurance payment on the grounds not provided by this Article.

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 24.11.2015 № 422-V (shall be enforced from 01.01.2016); dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 20-1. Features of settlement of disputes on compulsory insurance of tourist

1. If there is a dispute arising from a contract of compulsory insurance of a tourist, the policyholder, the insured (beneficiary) shall have the right to:

send to the insurer (including through a branch, representative office, or insurer's Internet resources) a written application indicating the requirements and attaching documents confirming its requirements, or send an application to the insurance ombudsman (directly to

the insurance ombudsman, including through its Internet resource, or through of the insurer, including through its branch, representative office, another separate structural unit, Internet resource) or to the court to resolve disputes arising from the contract of compulsory insurance of a tourist, taking into account the specifics provided for by the Law of the Republic of Kazakhstan "On Insurance Activities".

2. When receiving an application from the policyholder, the insured (a beneficiary), the insurer shall consider and submit a written response within five working days indicating the further procedure for settling the dispute.

3. If the insurer, the insured (beneficiary) applies to the insurance ombudsman, the insurer shall, upon request of the policyholder, the insured (a beneficiary), insurance ombudsman, submit documents relating to the consideration and resolution of the dispute within three working days from the date of receipt of the request.

Footnote. Chapter 5 shall be supplemented by Article 20-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019); as amended by the Law of the Republic of Kazakhstan dated July 12, 2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Chapter 6. Final provisions

Article 21. Procedure for considering the disputes

Disputes, arising from the contract of compulsory insurance of a tourist shall be considered in the manner prescribed by the legislation of the Republic of Kazakhstan.

Article 22. Responsibility for violation of the legislation of the Republic of Kazakhstan on compulsory insurance of a tourist

Persons guilty of violating the legislation of the Republic of Kazakhstan on compulsory insurance of a tourist shall be liable in accordance with the laws of the Republic of Kazakhstan.

The President of the Republic of Kazakhstan

Annex
to the Law of the
Republic of Kazakhstan
dated December 31, 2003
"On compulsory insurance of a
tourist"

Footnote. The Law shall be supplemented by the Annex in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced from 01.01.2019).

PROGRAMS OF COMPULSORY INSURANCE OF TOURIST

	Insurer's liability limit (insured amount) (in US dollars / euro)
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№	Events recognized as an insured event and the types of expenses to be reimbursed	Program 1	Program 2	Program 3
1.	Accident:			
1.1	<p>expenses for inpatient and outpatient treatment, including expenses for medical services, diagnostic tests, prescribed by the attending physician, medicines, surgical dressings and fixation devices (gypsum, bandage);</p> <p>expenses for transportation of the insured under the emergency and urgent circumstances to the medical institution;</p> <p>expenses for emergency medical transportation from the country (place) of temporary stay to the Republic of Kazakhstan, including the costs of escorting by medical personnel (provided that the insured is unable to return to his place of residence in the territory of the Republic of Kazakhstan for medical reasons);</p> <p>the cost of organizing the return of the urn with ashes or the body (remains), including the costs of autopsy, embalming the body and its stay in the morgue, purchasing a coffin, paperwork for transportation to the</p>	10 000		50 000

	territory of the Republic of Kazakhstan;		30 000	
1.2	expenses for dental examination, X-ray examination, removal or filling of teeth as a result of an injury resulting from an accident;	100	300	300
1.3	travel expenses (ticket) for one adult close relative to the place of hospitalization of the insured, traveling alone or with minor children, if the health of the insured is assessed by the attending physician and medical representative of the assistance company as critical, life-threatening, and the period of stay in a medical institution exceeds ten calendar days;	800	1000	1200
1.4	expenses for transportation of minor children, elderly close relatives of the insured, who stayed on the insurance territory unattended as a result of an insured event that occurred with the insured;	800	1000	1200
	expenses for payments for messages, phone calls and other communication services provided to the insurer, assistance company; the cost of paying for the stay of the insured in a hotel from the date of his			

1.5	<p>discharge from the hospital to the date of his departure to the territory of the Republic of Kazakhstan, but not more than five calendar days;</p> <p>expenses related to the cancellation or exchange of travel documents;</p> <p>expenses related to the refusal of a room booked in a hotel, as well as other tourist services provided to the insured for the unused part of the period of stay abroad.</p>	800	1 000	1 200
2.	<p>Sudden acute illness, a sharp deterioration in the state of health and (or) exacerbation of a chronic disease, requiring the provision of emergency and urgent medical care to the insured to prevent significant harm to health or eliminate the threat to life:</p>			
	<p>expenses for inpatient and outpatient treatment, including expenses for medical services, diagnostic tests, prescribed by the attending physician, medicines, dressing equipment and fixation devices (gypsum, bandage);</p> <p>expenses for transportation of the insured under emergency and urgent circumstances to the medical institution;</p>			

2.1	<p>the costs of emergency medical transportation from a foreign country to the Republic of Kazakhstan, including the costs of escorting by medical personnel (provided that the insured is unable to return to his place of residence on the territory of the Republic of Kazakhstan for medical reasons); the cost of organizing the return of the urn with ashes or the body (remains), including the costs of autopsy, embalming the body and its stay in the morgue, purchasing a coffin, paperwork for transportation to the territory of the Republic of Kazakhstan;</p>	10 000	30 000	50 000
2.2	<p>expenses for out-patient treatment, including expenses for medical services, transportation of the insured under emergency and urgent circumstances to a medical institution in case of complications during pregnancy;</p>	300	500	600
2.3	<p>travel expenses (ticket) for one adult close relative to the place of the hospitalization of the insured, traveling alone or with minor children, if the health of the insured is assessed by the attending physician</p>	800		1200

	and medical representative of the assistance company as critical, life-threatening, and the period of stay in a medical institution exceeds ten calendar days;		1000	
2.4	expenses for transportation of minor children, elderly close relatives of the insured, who stayed on the insurance territory unattended as a result of an insured event that occurred with the insured;	800	1000	1200
2.5	expenses for payments for messages, phone calls and other communication services provided to the insurer, assistance company; expenses for payment of the stay of the insured in a hotel from the date of discharge from the hospital to the date of his departure to the territory of the Republic of Kazakhstan, but not more than five calendar days; expenses, related to the cancellation or exchange of travel documents; expenses, related to the refusal of a room booked in a hotel, as well as other tourist services, provided to the insured for the unused part of the period of stay abroad.	800	1 000	1 200

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