



On Communications

Unofficial translation

The Law of the Republic of Kazakhstan dated 5 July 2004 No. 567.

Unofficial translation

Footnote. Through the whole text, the word “publicly available” is supplemented by the word “universal” by the Law of the Republic of Kazakhstan dated 03.07.2014 № 230-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

This Law establishes legal grounds for activity in the field of communications in the territory of the Republic of Kazakhstan, determines the powers of state bodies on regulation of this activity, right and obligation of individuals and legal entities rendering or using the services of communications.

Chapter 1. General provisions Article 1. Designation of communications

1. Communications is integral part of economic and social infrastructure of the Republic of Kazakhstan designated for satisfying the individuals and legal entities and ensuring of necessity of safety, defence, protection of legal order, state bodies in the services of communications.

2. Means of communications and computer technology, as well as means of information systems are the technical base of ensuring the process of collection, processing, storage and distribution of information.

Footnote. Article 1 as amended by the Law dated 21.11.2008 № 89-IV (the order of enforcement see Article 2).

Article 2. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) a subscriber - an individual or legal entity with whom a contract for rendering communication services has been concluded;

2) service information on subscribers and (or) users of communication services (hereinafter - service information) - information on subscribers and (or) users of communication services intended exclusively for the purposes of counterintelligence activities and operational investigative measures on communication networks and that includes:

information on subscriber and (or) user numbers, including information on individual identification numbers (for individuals) or business identification numbers (for legal entities) of owners of subscriber and (or) user numbers;

information about identification codes of subscriber devices of cellular communication, including information about individual identification numbers (for individuals) or business identification numbers (for legal entities) of owners of subscriber devices of cellular communication;

billing data (information on services received by the subscriber and (or) user);

location of the subscriber device in the network in accordance with the requirements of technical regulations;

addresses in the data network;

addresses of access to the Internet resources in the data network;

identifiers of the Internet resource;

data network protocols;

3) exchange connection - communications line that is a part of local network of telecommunications and connecting subscriber's device with the means of telecommunications of this network;

4) subscriber's device - means of communications of individual use forming the signals of electrical communications for transfer and receipt of information required by the subscriber and connected to the service provider network;

4-1) subscriber number transfer - a service for the storage and use of a subscriber number in cellular communication networks, provided to the subscriber upon conclusion of a new contract on provision of cellular communication services with another mobile operator;

4-2) centralized database of subscriber numbers - hardware and software complex for managing a database containing information about the subscriber numbers of cellular communication, including information determined by the rules for transferring subscriber number in cellular communication networks;

4-3) operator of the centralized database of subscriber numbers - organization which provides formation, functioning, maintenance and development of the centralized database of subscriber numbers and provides access to its resources;

4-4) information security certification center - a legal entity, determined by the National Security Committee of the Republic of Kazakhstan, issuing security certificates in electronic form;

5) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

5-1) antenna-mast structures - communication structures in the form of a tower or mast, designed to accommodate communication equipment;

6) channels for special postal communication service - a set of postal networks, units for special postal communication service used for sending special mail;

7) special items - registered packages, parcels, hardware with attachment of state secrets or information of state bodies containing official information of limited distribution, and their carriers, as well as products, their components (substances) and goods of the defense industry;

8) universal service operator - communication operator providing communication services, which in accordance with the legislation of the Republic of Kazakhstan is obliged to provide universal communication services;

9) universal communication services - a minimum list of communications services which is fixed in the telecommunications sector and postal services developed by the authorized body and approved by the Government of the Republic of Kazakhstan, the provision of which to any user of communication services in any settlement within a specified period of time with an established quality and price level, ensuring the availability of these services shall be obligatory for the operators of universal service;

10) communications - receipt, collection, processing, storage, transfer (carriage), delivery, distribution of information, postal and special packages, postal money transfers;

11) communications channel - set of means of telecommunication and transmission medium ensuring transfer of the signal between the means of telecommunications in the frequency band or with the speed of transmission being typical for this communications channel. Depending on the type, the communications channels are divided into telephone, telegraph, data transfer, and on territorial sign - international, intercity, zone and local;

12) communications network - technological system including the means and lines of communications and intended for telecommunications or postal communications;

13) communication network management - a set of organizational and technical measures aimed at ensuring the functioning of the communication network, its configuration, including regulation of the flow of network traffic;

13-1) communication network control center - a set of software, hardware, organizational and technical means for managing the communication network or forming a communication node as part of the communication network;

14) communications lines - transmission lines (cable, radio-relay, satellite and others), physical circuits and line cable communications installations, including main line) international and intercity);

14-1) communication structures - engineering infrastructure objects created and (or) adapted for the placement of communication facilities;

15) communications services - activity on receipt, processing, storage, transfer, carriage, delivery of postal and special packages, postal money transfers or messages of telecommunications;

16) rendering of communications services - the activity of communications providers that is to provide the communications services to users listed in the general classifier of products of economic activity;

17) user of communications services - the individual or legal entity receiving the communications services;

18) communication operator - an individual or a legal entity registered on the territory of the Republic of Kazakhstan, providing communication services and (or) operating communication networks;

19) economic entities carrying out the activity in the field of communications - communications providers, owners of special, departmental and corporative telecommunications networks, separate switching equipment connected to the communications network of common use, owners of radio electric means being the users of radio-frequency spectrum;

20) national resources in the field of communications - resources of radio frequencies, numeration and orbital slots of satellite communications;

21) Excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication);

22) billing- a hardware and software complex designed for automatic execution of operations of accounting services provided to subscribers, as well as their charging and billing for payment;

22-1) joint-use supports - communication structures intended for the simultaneous placement of telecommunications equipment and (or) other engineering infrastructure facilities, information devices;

22-2) data aggregation - a process of providing information in a generalized form, in which it shall be depersonalized. Aggregated data shall be used by the telecommunication operator for reporting, analysis and research;

23) standard point of connection (linkup) - telecommunications equipment intended for connecting one network to another using standard technical conditions;

24) connecting line - set of technical means including the communications line and parts of exchange equipment ensuring interaction between interconnecting and interconnected telecommunications networks;

25) interconnection service - the activity oriented to satisfying the necessities of communications providers in organization of interaction between the communications networks upon which the establishment of connection and transmission of information between users of interacting networks becomes possible;

26) internetwork connections - interaction of telecommunications networks being the results of rendering the service of interconnection of one telecommunications network to another;

26-1) network traffic (hereinafter - traffic) - the amount of information transmitted and received through a telecommunications network for a certain period of time;

27) local telecommunications network - network and means of telecommunications intended for carrying out the electrical communications in the territory of inhabited locality. Local telecommunications networks shall be divided into city and rural depending on the status of inhabited locality;

28) system of time-based cost accounting of local telephone connections (hereinafter - time-based accounting of local telephone connections) - set of technologies of the accounting methods of local telephone connections ensuring calculation of the payment sums for using the services of local telecommunications network;

29) assignment (designation) of the frequency band, radio frequencies (radio frequency channel) - permission for using the radio frequency spectrum issued by the relevant radio frequency body to the user of the radio frequency spectrum for using the frequency band, radio frequencies (radio frequency channel) specified in this permission, with the use of radio electronic means;

30) high frequency devices - equipment and (or) devices intended for generation and use of electromagnetic energy in industrial, scientific, medical, domestic or other purposes with the exception of applying in the field of telecommunications;

30-1) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

30-2) Internet traffic - the amount of information transmitted and received through the Internet connection for a certain period of time;

30-3) Internet traffic exchange point - a hardware and software complex for routing (exchanging) Internet traffic of telecom operators on the territory of the Republic of Kazakhstan;

31) cable-conduit line - set of underground pipes and wells designed for routing, assembling and technical maintenance of the communications cables;

32) Coded communications - protected communications with the use of documents and coding technology;

32-1) is excluded by the Law of the Republic of Kazakhstan dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication);

32-2) system of centralized management of telecommunications networks of the Republic of Kazakhstan- a set of organizational and technical measures for formation of control parameters and control over their execution, including hardware and software complex and communication channels for centralized management of telecommunications networks;

33) intercity communications line - communications line connecting intercity switching stations of the communications provide in the territory of the Republic of Kazakhstan;

34) intercity communications provider - fixed line communications provider owning and (or) operating intercity communications line, intercity switching stations and rendering the services of intercity telephone communications;

35) intercity and international communications provider - fixed line communications provider owning and (or) operating intercity and international communications lines, intercity and international switching stations and rendering the services of intercity and international telephone communications on a traffic transit and provision of network resources to other communications operators;

36) intercity telephone communications - telephone interconnection between users of the communications services being in the territory of the Republic of Kazakhstan with the exception of local telephone communications;

36-1) transmission of long-distance traffic - implementation of the process of establishing a connection and transmitting information through long-distance communication lines;

36-2) security certificate - a set of electronic digital characters used to route traffic containing protocols that support encryption;

36-3) secure communication - a type of electrical communication using special means of information protection (coded communication, secret communication, encrypted communication);

36-4) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

37) confidential communications - protected communications with the use of encrypting devices;

38) combined payment service system - payment system upon which the sum of payments of the communications user for particular period consists of:

direct component - payment for provision of exchange connection independently from its type in sustained use of the subscriber and particular quantity of tariffication units of local connections;

periodical component - payment for provision of telephone connection depending on its actual duration in tariffication units;

39) time-based service payment system - service payment system upon which the sum of payments of the communications user for particular period of time includes the payment for provision of telephone connection depending on its actual duration in tariffication units;

39-1) short text and multimedia message - service rendered by the cellular communications provider on receipt and transmission of information by cellular communications network;

40) main communications line - ground (cable, including fiber-optic, radio-relay) or satellite communications line connecting zone (intercity) and (or) international switching stations of telecommunications networks of the Republic of Kazakhstan and foreign states;

40-1) state technical service - joint-stock company established by the decision of the Government of the Republic of Kazakhstan;

40-2) Excluded by the Law of the RK dated 29.06.2021 № 58-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

40-3) state radio frequency service - a republican state enterprise on the right of economic management created by the decision of the Government of the Republic of Kazakhstan;

40-4) mobile communications station - a mobile communications device for providing a communications network to the zones outside the coverage area;

- 41) numbering resource - set of numbers used in communications networks;
- 42) telecommunications network of common use - telecommunications network available for use by individuals and legal entities;
- 43) postal communications - receipt, processing, carriage and delivery of postal and special packages, as well as postal money transfer;
- 44) postal matters - written correspondence, parcels, postal containers, as well as printed publications in the relevant packing;
- 44-1) presidential communication - special electric communication to support the activity of the President of the Republic of Kazakhstan;
- 45) amateur radio service - a radio communication service for the purposes of self-training, negotiation communication and technical research, carried out by individuals who have sent the corresponding notification;
- 46) radio control - a system of measures ensuring the operation of radio electronic means and high-frequency devices with an acceptable level of interference by performing technical control of radio emissions, inspection of radio electronic means and high-frequency devices, detection and suppression of sources of radio interference, violations of the order of use of radio frequencies, documents on standardization and standards for radiation parameters of radio electronic means and high-frequency devices;
- 47) radio frequency bodies - state bodies authorized to distribute, redistribute, allocate and assign frequency bands, radio frequencies (radio frequency channels), as well as control over their use in accordance with this Law;
- 48) radio-frequency spectrum - particular set of radio frequencies in a range from 3 kHz to 400 GHz;
- 48-1) redistribution (reorganization of use) of the radio frequency spectrum - a set of measures aimed at the full or partial withdrawal of existing frequency assignments from any specific frequency band for the purpose of implementing promising technologies in the field of communications, efficient use of the radio frequency spectrum with the provision of frequency bands to the current user of the radio frequency spectrum in exchange for the released frequency range with reimbursement of all costs necessary for the transition to the allocated frequencies;
- 49) use of radio frequency spectrum - individual or legal entity assigned (appointed) by the frequency band or radio frequency (radio frequency channel);
- 50) conversion of radio frequency spectrum - set of measures oriented to expansion of using the radio frequency spectrum by radio electronic means of civil purpose;
- 51) radio electronic mean - technical mean designated for transmission and (or) receipt of radio frequencies and consisting of one or several transmission and (or) receiving devices or their combinations including support equipment;
- 52) Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication)

53) tariffication unit - unit of time keeping, quantity or volume of information for which the payment for the relevant type of communications service is charged, being compulsory for communications providers and network owners of all the categories included to the single network of telecommunications of the Republic of Kazakhstan;

54) protected zone of telecommunications networks - land plot located along the communications line and around the communications objects with the vegetation and structures being on it;

55) telecommunications network-a set of telecommunications and communication lines, providing the transmission of telecommunications messages, consisting of switching equipment (stations, substations, hubs), line-cable structures (subscriber lines, connecting lines and communication channels), transmission systems and subscriber devices;

56) owner of telecommunication networks - the individual or legal entity that owns the part of telecommunications network of common use and (or) the relevant category of the unified telecommunications network;

57) means of telecommunications (means of communications) - technical devices, equipment, systems and program means allowing to form, transfer, receive, store, process, commutate electromagnetic or optical signals and manage them;

58) interconnection of one telecommunications network (communications means) to another - organization of technological interaction between two telecommunications networks upon which it is possible to establish connection and transfer information between the users of communications services of these networks;

59) telecommunications messages - information transferred with the aid of telecommunications means;

60) subscriber fixed service payment system of telephone connections (hereinafter - subscriber service payment system) - service payment system upon which the sum of payments of the communications user for particular period of time includes the payment for provision of exchange connection independently from its type in permanent use of the subscriber and payment for provision of local telephone connection independently from its average duration in a calculation for one subscriber;

61) translation - primary signal propagation of tele-,radio channels with the use of technical means of telecommunications;

62) is excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016);

63) traffic transmission - carrying out of the process of establishment of connection and transmission of information between the users of the communications services (telecommunication networks);

64) direct drive - physical line being a part of local telecommunications network ensuring direct link between the means of telecommunications;

64-1) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

65) authorized body - central executive body determined by the Government of the Republic of Kazakhstan carrying out implementation of the state policy in the field of communications, state control, coordination and regulation of the activity of persons providing and using the services in the field of communications;

65-1) organizational and technical event - a set of means, methods and solutions intended for organization, creation, management, improvement and operation of telecommunications networks;

66) cellular communication - a type of electrical communication using the division of the served territory into a number of cells, providing the possibility of continuity of communication when a subscriber moves from cell to cell and intended for bilateral (multilateral) exchange of information transmitted through radio waves;

67) cellular communications provider - communications provider rendering the services of cellular communications in accordance with the legislation of the Republic of Kazakhstan;

67-1) operator of the database of identification codes of subscriber devices of cellular communication - a legal entity, determined in accordance with this Law, which ensures formation, operation, maintenance, support and development of the database of identification codes of subscriber devices of cellular communication and provides access to these resources;

67-2) a database of identification codes of subscriber devices of cellular communication - a hardware and software complex for managing a database containing data on:

individual identification numbers (for individuals) or business identification numbers (for legal entities) of owners of subscriber devices of cellular communication;

identification codes subscriber devices of cellular communication;

subscriber numbers used by subscriber devices of cellular communication;

67-3) a subscriber device of cellular communication - a means of communication for individual use generating electric signals for transmitting or receiving information specified by the subscribers and connected to the network of the cellular operator, not having a permanent geographically determined location within the service area, operating in cellular communication networks;

67-4) identification code of a subscriber device of cellular communication - a code assigned by the manufacturer to the a mobile subscriber device, which is transmitted to the network of the mobile operator when the device is connected to it;

67-5) virtual mobile operator - a communications operator that uses the infrastructure of one or more mobile operators to provide cellular communications services;

67-6) supports for cellular or satellite communications equipment - communications structures that do not have a strong connection to the ground in the form of a buried foundation, for placing cellular or satellite communications equipment on them;

68) government communications - special protected communications for the requirements of the state management;

69) is excluded by the Law of the Republic of Kazakhstan dated 29.06.2021 № 58-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

70) physical line -metal wires or optical fibers creating guiding medium for transfer of telecommunications messages;

70-1) broadcast messaging technology - mass sending of text messages on cellular networks, intended for immediate delivery of information messages in a specific geographic area;

71) international communications lines - communications lines crossing the border of the Republic of Kazakhstan or having the point of junction on the border of the Republic of Kazakhstan with the communications line of the communications provider of another country and connecting international switching station of the communications provider of the Republic of Kazakhstan with international switching stations of the communications providers of other states;

72) international communications provider - provider of the sized communications owning and (or) operating international communications line, international switching station and rendering the services of international telephone communications;

73) international telephone communications - telephone connection between the users of communications services being in the territory of the Republic of Kazakhstan, and the users of the communications services in the territory of another state;

73-1) international traffic pass - implementation of the process of establishing connection and transmitting information between the international switching station of the operator of international communication of the Republic of Kazakhstan and the international switching stations of communication operators of other states;

73-2) international junction point - means of telecommunications, designed to connect the international switching station operator of international communications of the Republic of Kazakhstan with the international switching stations of communication operators of other states;

74) terminating equipment - technical means for transfer or receipt of the signals of telecommunications in the communications lines connected to the exchange connections and being in use of the subscribers or designed for mentioned purposes;

75) encrypted communications - protected communications with the use of hand ciphers, cipher machines and special means of computer technology;

76) cryptographic operation - set of legal, organizational and technical measures carried out by the authorized state bodies, bodies of military administration, national security and

internal affairs of the Republic of Kazakhstan oriented to protection of details that are the state secrets of the Republic of Kazakhstan subjected to the transfer by networks of encrypted , secured and coded communications with the use of the relevant encryption means;

77) electrical communications (telecommunications) - transfer or receipt of signs, signals, voice information, written text, images, sounds by wired, radio, optic and other electromagnetic systems;

78) electromagnetic compatibility - capability of technical mean to function with requested quality in requested electromagnetic environment and not to create inadmissible electromagnetic interference to other technical means.

Footnote. Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 23.04.2012 № 14-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (the order of enforcement see Article 2); dated 24.05.2018 № 156-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-IV (shall be enforced upon expiry of six months after its first official publication); dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated December 27, 2019 № 291-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (enforcement, see Art 2); dated 29.06.2020 № 352-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2021 № 58-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.02.2023 № 194-VII (shall be enforced from 01.04.2023); dated 23.12.2023 № 51-VIII (see Art. 2 for enactment procedure); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 3. Legislation of the Republic of Kazakhstan in the field of communications

1. Legislation of the Republic of Kazakhstan in the field of communications is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Chapter 2. State regulation and control of the activity

in the field of communications Article 4. State regulation and control of the activity in the field of communications

1. State regulation and control of the activity in the field of communications shall be carried out on the basis of legal groundwork, licensing of separate types of activity, control of compliance with the legislation of the Republic of Kazakhstan in the field of communications.

2. State management in the field of communications shall be carried out by the President of the Republic of Kazakhstan, Government of the Republic of Kazakhstan and authorized body.

3. State control over compliance with the legislation of the Republic of Kazakhstan in the field of communications shall be carried out by the authorized body and its territorial subdivisions.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 5. Basic definitions of the state regulation of activity in the field of communications

The principles of the state regulation of activity in the field of communications are:

- 1) protection of rights and legal interests of the users of communications services, economic entities carrying out the activity in the field of communications;
- 2) creation of conditions for rendering universal communication services;
- 3) liberty of transmission of messages through the networks and means of telecommunications, liberty of acceptance, delivery and transit of postal matters;
- 4) equality of the rights of individuals and legal entities to participate in the activity in the field of communications and use of its results;
- 5) fair competition;
- 6) ensuring of safety, reliability and manageability of communications considering the network technological special aspects on the basis of common standards in the territory of the Republic of Kazakhstan;
- 7) assistance in expansion of international cooperation in the field of communications, integration into the world communications system;
- 8) ensuring of the centralized management of national resources in the field of communications.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 29 December 2006 № 209 (the order of enforcement see Article 2); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. The goal and objectives of state regulation and control over activities in the field of communications

Footnote. The title of Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

The goal of state regulation of public relations in the field of communications shall be the stable and effective functioning of the communications industry.

Main tasks of the state regulation and control of activity in the field of communications are:

- 1) carrying out the state policy in the field of communications for effective functioning of the communications services market;
- 2) carrying out the state regulation and control of activity in the field of communications;
- 3) development of suggestions and implementation of main directions and priorities of development and improvement of communications of the Republic of Kazakhstan;
- 4) protection of rights and legal interests of individuals and legal entities, as well as national resources of the state.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 7. Competence of the Government of the Republic of Kazakhstan

The competence of the Government of the Republic of Kazakhstan in the field of communications includes:

- 1) development of the main directions of state policy in the field of communications and organization of their implementation;
- 2) development and implementation of state policy in the field of distribution of the radio frequency spectrum, as well as the effective use of radio frequencies and orbital positions of communication satellites;
- 3) approval of the procedure for the preparation and use of public telecommunications networks, resources of a unified telecommunications network for the needs of government bodies, defense, security and law enforcement agencies of the Republic of Kazakhstan.

Footnote. Article 7 is in the wording of 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).

Article 8. Competence of the authorized body and its territorial subdivisions

1. Competence of the authorized body shall include:

1) formation and implementation of state policy in the field of communications, including the distribution and use of national resources in the field of communications, as well as participation, within its competence, in the field of technical regulation, ensuring the uniformity of measurements and the field of standardization in the field of communications and ensuring its implementation;"

1-1) approval of the rules for holding a tender to determine operators of universal service, including calculation of the amount of subsidies and the procedure for imposing the duty of providing universal services on communication operators by the authorized body, requirements for communication operators to provide universal communication services and the list of universal communication services;

2) carrying out the state regulation and control of activity in the field of communications within the competence;

3) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

4) 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) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

6) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

6-1) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-2) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-3) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-4) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-5) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-6) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-7) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

6-8) approval of methods of measurement of technical parameters of quality for communication services;

6-9) Excluded by the Law of the Republic of Kazakhstan dated 03.05.2022 № 118-VII (shall be enforced ten calendar days after the date of its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

8) development and adoption within its competence of regulatory legal acts of the Republic of Kazakhstan in the field of communications, including the rules of operation of radio-electronic means, high-frequency devices, their import into the territory of the Republic of Kazakhstan, the rules of rendering communication services;

8-1) carrying out the radio control and conduct of inspections of using the radio frequency spectrum by individuals and legal entities carrying out the activity in the field of communications, and compliance with qualification requirements by communications providers to the subjects carrying out the rendering of services in the field of communications and the rules of rendering the communications services;

8-2) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

8-3) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

8-4) distribution, assignment (application) of a frequency band, radio frequency (radio frequency channel) to civilian users, issuance of permits of a to ship station, including the assignment of a call sign;

8-5) approval of the rules of subscriber number transfer in cellular networks and the date of introduction of subscriber number transfer service in cellular networks;

8-6) approval of the rules for the provision of cable ducts for use;

8-7) carrying out quality control of communication services provided by communication operators;

8-8) approval of the rules for registration of cellular subscriber devices;

9) licensing of activity in the field of communications;

10) Is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

11) access to communication facilities of business entities carrying out activities in the field of communication and using the radio frequency spectrum for conducting inspections in the established manner upon presentation of an official certificate or identification card, with the exception of objects of special-purpose telecommunication networks;

12) Is excluded by the Law of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication);

13) Shutdown of radio-electronic means and high-frequency devices in case of absence of the notification on the beginning of operation of radio-electronic means and (or) high-frequency devices and (or) non-compliance of technical characteristics with the established norms;

14) Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011);

15) direction of instructions upon detection of violation of the requirements of the legislation of the Republic of Kazakhstan in the field of communications;

16) consideration of applications of individuals and legal entities on the issues of regulation of relations in the field of communications;

17) coordination of regulatory legal acts establishing the requirements oriented to ensuring of the national security in the field of communications with bodies of the national security, as well as carrying out the coordination of activity of communications providers jointly with bodies of the national security on the issues of ensuring the national security in the field of communications;

18) Is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

18-1) approval of the rules for the formation and maintenance of the register of static addresses of data transmission networks in coordination with the National Security Committee of the Republic of Kazakhstan;

19) Is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

19-1) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

19-2) implementation of regulation and control in the spheres of natural monopolies in the field of telecommunications and universal postal services;

19-3) is excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication);

19-4) conduct of analysis of goods market for the purpose of ensuring the non-discriminatory access to the goods (works, services) and infrastructure of market entities in the field of telecommunications and postal communications;

19-5) is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication);

19-6) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

19-7) issuance of conclusions on import to the territory of the Republic of Kazakhstan of radio-electronic means and high-frequency devices of civil purpose, including built-in or included in other goods, in cases other than import;

19-8) approval of requirements to telecommunication networks of the operator of long-distance and (or) international communication;

19-9) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

19-10) approval of qualification requirements and the list of documents confirming the conformance of the applicant to carrying out the activity on rendering of services in the field of communications;

19-11) approval of the rules of protection of telecommunications networks in the Republic of Kazakhstan including the procedure for establishment of protective zones and work operation mode in there;

19-12) approval of the rules of assignment of frequency bands, radio frequencies (radio frequency channels), operation of radio electronic means and high frequency devices, as well as conduct of calculation of electromagnetic compatibility of radio electronic means of civil designation;

19-13) approval of the rules of interconnection and interaction of telecommunications networks including the traffic transmission and procedure for settlement payments;

19-14) approval of the rules of rendering of communications services;

19-15) approval of the rules for operation of electronic means of amateur radio services;

19-16) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

19-17) development and adoption, within the limits of its competence, of regulatory legal acts in the field of regulation and control in the spheres of natural monopolies and in regulated markets in the field of telecommunications and universal postal services, including rules for maintaining separate records of incomes, expenses and assets involved by entities of natural monopolies;

19-18) the issuance of permits provided for by the Law of the Republic of Kazakhstan "On Permits and Notifications", subject to the exceptions provided for by subparagraph 7) of paragraph 2 of Article 3 of the Law of the Republic of Kazakhstan "On Permits and Notifications";

19-19) is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication);

19-20) organization and holding of competitions (or auctions) for the distribution of frequency bands, radio frequencies (radio frequency channels) in the Republic of Kazakhstan

in ranges determined by radio frequency bodies, for distribution through a competition (or auction), determination of the conditions of competitions (or auctions), requirements for their participants;

19-21) approval of the procedure for the placement of telecommunications facilities on joint-use supports;

19-22) approval of rules for identifying and suppressing the operation of illegally operated radio-electronic equipment, including communication signal amplifiers, high-frequency devices, special technical equipment for blocking radio signals, in agreement with the National Security Committee of the Republic of Kazakhstan, the Ministry of Defense of the Republic of Kazakhstan and the Ministry of Internal Affairs of the Republic of Kazakhstan;

19-23) organization of the availability of communications infrastructure on the territory of the Republic of Kazakhstan;

20) 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.

2. Competence of territorial subdivisions shall include:

1) carrying out the state control of fulfilling the requirements of the legislation of the Republic of Kazakhstan in the field of communications at the relevant administrative territorial entity;

2) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

3) direction of instructions upon detection of violation of the requirements of the legislation of the Republic of Kazakhstan in the field of communication;

4) Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

5) Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) shutdown of radio-electronic means and high-frequency devices for civilian purpose in case of absence of the notification on the beginning of operation of radio-electronic means and (or) high-frequency devices and (or) non-compliance of technical characteristics with the established norms;

7) control of performance of organizational technical measures on ensuring the electromagnetic compatibility of electronic means and high frequency devices;

8) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

9) 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);

9-1) carrying out the radio control and conduct of inspections of using the radio frequency spectrum by individuals and legal entities carrying out the activity in the field of communications, and compliance with qualification requirements by communications providers to the subjects carrying out the rendering of services in the field of communications and the rules of rendering the communications services;

9-2) control of compliance with qualification requirements by communications providers to the subjects carrying out the rendering of services in the field of communications, rules of rendering the communications services, the rules of rendering the postal services and rules of applying the postmark on postal matters in the territory of the Republic of Kazakhstan;

9-3) inspection of the networks device and structures of telecommunications and postal communications for compliance with technical regulations and requirements on organizing their technical operation in accordance with the legislation of the Republic of Kazakhstan;

9-4) detection and suppression of operation of the radio electronic means and high frequency devices acting with the breach of the legislation of the Republic of Kazakhstan in the field of communications;

9-5) ensuring of compliance with requirements of regulatory legal acts on organizing the operation of objects of postal communications and service of the users of communications services;

9-6) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

9-7) receipt of notifications on the beginning or termination of operation of radio-electronic means and (or) high-frequency devices, including radio-electronic means and high-frequency devices of amateur radio services;

10) other functions in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 27.07.2007 № 316 (shall be enforced from the date of its official publication); dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 29.12.2008 № 116-IV (shall be enforced from 01.01.2009); dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 19.03.2010 № 258-IV; dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2010 № 373-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 378 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry

of thirty calendar days after its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days 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 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 22.12.2016 № 28-IV (shall be enforced from 01.07.2017); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 26.11.2019 № 273-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 15.11.2021 № 72-VII (shall enter into force from 01.01.2022); dated 03.05.2022 № 118-VII (shall be enforced ten calendar days after the date of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.02.2023 № 194-VII (shall be enforced from 01.04.2023); dated 19.04.2023 № 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 9. Radio frequency bodies of the Republic of Kazakhstan

1. Radio frequency bodies carrying out distribution, allocation and assignment of frequency bands, radio frequencies (radio frequency channels) in the Republic of Kazakhstan are:

authorized body of the Republic of Kazakhstan;
ministry of Defense of the Republic of Kazakhstan.

2. Main functions of the authorized body upon regulation of radio frequency spectrum are:

1) development of regulatory legal acts on the issues of distribution and use of radio frequency spectrum on use of radio electronic means and high frequency devices within the competence;

2) organization of works on technical examination of allocated frequency bands, radio frequencies (radio frequency channels);

3) issuance of permits for the use of radio frequency spectrum on the territory of the Republic of Kazakhstan for radio-electronic means and (or) high-frequency devices of civilian purpose;

4) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

5) suspension of operation of radio-electronic means and high-frequency devices in cases of their non-compliance with the established documents on standardization and technical standards, creating a threat to the safety of citizens, the environment, as well as in the performance of particularly important works and activities in accordance with the legislation of the Republic of Kazakhstan;

6) carrying out the radio control in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

7) organization of measures on elimination of radio noises of radio electronic means, including the radio electronic means of international organizations and foreign states acting in accordance with the international treaties;

8) carrying out the assignment of frequency bands, radio frequencies (radio frequency channels) and performance of measures on international coordination of radio frequencies accordance with the Radio Regulations of the International Telecommunication Union;

9) maintenance of electronic data base of assigned radio frequency bands of civil designation;

10) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. The Ministry of Defense of the Republic of Kazakhstan, in accordance with the national Table for allocation of frequency bands, shall carry out the necessary approvals for the allocation and use of the radio frequency spectrum in the joint use bands for radio-electronic equipment for civil purposes, and also ensure the regulation of the use of the radio frequency spectrum and corresponding radio-electronic equipment in order to meet the needs of defense and state security.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-IV (shall be enforced upon expiry of six months after 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 9-1. State monopoly in the field of communications

1. The state radio frequency service shall carry out the following activities related to the state monopoly in the field of communications:

1) performance of works on measurement of quality parameters of communication services, including quality of reception of TV, radio channels by the population, as well as monitoring of radio-frequency spectrum, radio-electronic means and (or) high-frequency devices;

2) technical support for maintaining a register (database) of radio electronic equipment and radio frequency assignments and an Internet resource containing information on availability of communication networks and the results of monitoring the quality of communication in settlements of the Republic of Kazakhstan (digital telecommunications map);

3) calculation of electromagnetic compatibility of radio-electronic means;

4) technical support for international coordination of radio frequency resources and orbital positions;

5) ensuring the formation, operation, maintenance and development of a database of identification codes of subscriber devices of cellular communication and a centralized database of subscriber numbers, providing access to them;

6) coordination of the frequency-territorial plan of television and radio broadcasting networks, as well as selection and maintenance of radio frequencies for television and radio broadcasting networks.

7) technical support for activities on redistribution (reorganization of use) of the radio frequency spectrum in the Republic of Kazakhstan;

8) coordination of frequency-territorial plans of cellular networks.

2. Prices for goods (works, services) produced and (or) sold by the subject of state monopoly shall be established by the authorized body in concurrence with the antimonopoly body.

Footnote. Chapter 2 is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); 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); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 22.12.2016 № 28-VI (shall be enforced from 01.07.2017); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 9-2. State monopoly in the sphere of information security ensuring

1. The state technical service shall carry out the following types of activity related to the state monopoly in the sphere of information security ensuring:

1) technical support of the system of centralized management of telecommunications networks of the Republic of Kazakhstan, as well as keeping records of international junction points, a register of static addresses of data transmission networks;

2) organization and technical support of Internet traffic exchange points of communication operators on the territory of the Republic of Kazakhstan, as well as connection of networks operators to the Internet traffic exchange point;

3) organization and technical support of an information security certification center.

2. Prices for goods (works, services) produced and/or sold by the state technical service specified in the Article, paragraph 1 shall be set by the National Security Committee of the Republic of Kazakhstan in agreement with the antimonopoly authority.

Footnote. Chapter 2 is supplemented by Article 9-2 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the laws of the Republic of Kazakhstan dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty- one calendar days after its first official publication); dated 18.03.2019 № 237-VI (shall be enforced from 01.01.2020); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 10. Competence of local executive bodies

1. Akimat of the oblast (city of republican significance, the capital) shall:

1) develop and approve with the authorized body and territorial subdivisions of the authorized body and territorial subdivisions of authorized state bodies of military administration, national security and internal affairs of the Republic of Kazakhstan, carrying out activities in the relevant administrative-territorial unit, plans for the construction of communication structures, communication lines and other facilities of engineering infrastructure, with the exception of networks of governmental and presidential communications departments;

2) the list of objects of social significance jointly with the communications providers for provision of gratuitous connections to subscribers with the compensation of the relevant expenses to communications providers in the manner established by the legislation of the Republic of Kazakhstan;

3) allocate non-living premises for production objects of postal operators in accordance with the legislation of the Republic of Kazakhstan, as well as render assistance to postal operators in placing the production objects at their territory;

3-1) upon the application of the cellular or satellite operator, in agreement with the authorized body shall provide places with supplied power for the construction by the cellular

or satellite operators of antenna-mast facilities and (or) supports for cellular or satellite communication equipment;

4) carry out the other powers in behalf of local state management imposed on local executive bodies by the legislation of the Republic of Kazakhstan.

2. Akim of district in the oblast (city of republican significance, the capital), city of district significance, village, rural settlement, rural district shall make proposals to the akim of oblast (city of republican significance, the capital) on organizing the rendering of communications services at the relevant administrative territorial entity for inclusion to the development plans of the oblast (city of republican significance, the capital).

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of six months after its first official publication); dated 02.07.2020 № 355- VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 06.02.2023 № 194-VII (shall be enforced from 01.04.2023).

Article 11. Regulation of using radio frequency spectrum and orbital positions of the satellite communications

1. Regulation of using radio frequency spectrum and orbital positions of the satellite communications is in exceptional competence of the state.

Regulation of using radio frequency spectrum shall be carried out by radio frequency bodies of the Republic of Kazakhstan and represents the set of legal, economic, organizational and technical measures oriented to effective use of radio frequency spectrum and ensuring of electromagnetic compatibility of radio electronic means and high frequency devices being an integral part of the procedure of assignment (designation) of frequency bands, radio frequency (radio frequency channel).

Maintenance of republican data base of radio frequency spectrum reflecting the electromagnetic situation in the Republic of Kazakhstan shall be carried out by the radio frequency bodies of the Republic of Kazakhstan.

Radio frequency spectrum is the national resource in the field of communications.

2. The development of proposals for the implementation of state policy in the area of distribution of the radio frequency spectrum, as well as the effective use of the radio frequency spectrum and orbital positions of communications satellites in the interests of the state shall be carried out by radio frequency bodies.

3. Use of radio frequency spectrum being restrictive national resource shall be carried out on a paid basis. Annual rates, procedure for calculation and payment to the state budget for use of radio frequency spectrum shall be determined in accordance with the Tax Code of the Republic of Kazakhstan.

Upon sharing radio frequencies and radio electronic means for the organization of cellular communications, payment for use of radio frequency spectrum shall be carried out by each operator for the assigned frequency band, radio frequency (radio frequency channel) in accordance with the Code of the Republic of Kazakhstan "On Taxes and other Obligatory Payments to the Budget" (Tax code).

4. Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011).

5. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6. The level of industrial interference caused by radio-electronic means and high-frequency devices shall not exceed the norms established by technical regulations and documents on standardization for these types of radio-electronic means and high-frequency devices.

The external noise immunity of radio-electronic means and high-frequency devices from industrial radio interference shall not be lower than the norms established by technical regulations and documents on standardization for these types of radio-electronic means and high-frequency devices.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 21.11.2008 №89-IV (the order of enforcement see Article 2); dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 12. general provisions on distribution of radio frequency spectrum, allocation and assignment (designation) of frequency bands, radio frequencies (radio frequency channels)

1. Use of radio frequency spectrum in the Republic of Kazakhstan shall be carried out in accordance with the following principles:

- 1) administrative order of access of the users to radio frequency spectrum;
- 2) right of equal access of all the users to radio frequency spectrum considering the state priorities;
- 3) payment of using the radio frequency spectrum;

4) inadmissibility of termless allocation, assignment (designation) of frequency bands, radio frequencies (radio frequency channels);

5) conversion of using radio frequency spectrum with compensation of expenses for this measure;

6) transparency and openness of procedures of distribution and use of radio frequency spectrum.

2. Distribution of the radio frequency spectrum shall be carried out in accordance with the national Table of frequency bands distribution between radio services of the Republic of Kazakhstan in the frequency range from 3 kHz to 400 GHz for radio-electronic equipment of all purposes, approved by the authorized body in accordance with the Radio Regulations of the International Telecommunication Union.

3. Procedure for distribution, allocation and assignment of frequency bands, radio frequencies (radio frequency channels) for radio electronic means of all the purposes shall be developed by the radio frequency bodies.

Distribution of frequency bands, radio frequencies (radio frequency channels) for television and radio broadcasting purposes shall be carried out on a competitive basis in accordance with the legislation of the Republic of Kazakhstan, except for the cases of transfer of frequency bands, radio frequencies (radio frequency channels) previously issued on a competitive basis between legal entities, more than fifty percent of the shares (interests in the authorized capital) of which belong to the state, without changing the goals of their operation of frequency bands, radio frequencies (radio frequency channels) for television and radio broadcasting.

For the purpose of ensuring the translation of television and radio channels of free access in the whole territory of the Republic of Kazakhstan, the frequency bands, radio frequencies (radio frequency channels) shall be allocated to the national provider of television and radio broadcasting without the tendering process.

4. Frequency assignments may be changed in behalf of ensuring the state management, defence, security and protection of legal order in the Republic of Kazakhstan with the simultaneous compensation for damage to economic entities carrying out the activity in the field of communications linked with the transfer to the other frequencies.

5. Right of use of radio frequency spectrum shall be certified by permissive documents issued by the authorized body for radio electronic means of civil purpose and central executive body of military administration of the Republic of Kazakhstan for radio electronic means ensuring the needs of defence, security and protection of legal order.

5-1. Individuals and legal entities shall be prohibited to transfer the right to temporary or permanent use of assigned frequency bands, radio frequencies (radio frequency channels) to other individuals or legal entities, except for the following cases:

1) sharing radio frequencies for internal production activities, subject to the consent of the main user of the radio frequency spectrum. A separate permission to use the radio frequency spectrum shall be issued for each user;

2) joint use of radio frequencies allocated for the provision of cellular communications services, including for the activities of a virtual cellular operator. Joint use of radio frequencies shall be formalized by a contract.

6. Permissions for use of radio frequency spectrum shall be issued to the communications providers and persons intending to use the radio frequency spectrum for carrying out the intraproductive activity no later than two months term from the date of receipt of the standard form application by the authorized body.

Permission for the use of the radio frequency spectrum shall indicate the type or standard of communication, the territory of use, the type and technical parameters of the radio electronic means used, as well as obligations on provision of communication services to settlements and (or) territories.

Individuals and legal entities who have obtained permission to use the radio frequency spectrum, granted for broadband access to communication services shall, within a period of two years from the date of obtaining such permits, ensure the availability of technical infrastructure for the provision of access to communication services, corresponding minimum quality thresholds, at least thirty per cent of the population in each settlement in the territory where permits shall be issued.

The requirement of part three of this paragraph shall not apply to telecom operators who have assumed obligations under authorizations issued by the authorized body for the use of the radio frequency spectrum for the provision of communication services of settlements and (or) territories in accordance with part two of this paragraph.

Non- fulfillment by the telecom operator of its obligations to provide communication services to settlements and (or) territories specified in the permit for the use of the radio frequency spectrum of the Republic of Kazakhstan, as well as non-use of the radio frequency spectrum for one year, shall incur liability in accordance with the Code of the Republic of Kazakhstan on administrative infractions.

The authorized body may establish additional obligations of communications operators to provide preferential tariffs to persons with disabilities.

7. Refusal to the applicant in issuing a permit to use the radio frequency spectrum for radio electronic means is implemented according to the priority purpose:

1) non-compliance of the declared frequency band, radio frequency (radio frequency channel) with the national Table of Frequency Band Allocations;

2) non-compliance of the parameters of radiation and reception of the declared radio-electronic means with the requirements, standards in the field of ensuring the electromagnetic compatibility of radio-electronic means and high-frequency devices;

3) a negative conclusion of the examination of electromagnetic compatibility with existing and planned for use by radio-electronic means;

4) employment by civilian users of the declared frequency band, radio frequency (radio frequency channel), previously assigned to users in the manner prescribed by the legislation of the Republic of Kazakhstan;

5) the absence of an appropriate license for the type of entrepreneurial activity in the field of communications using radio frequencies, issued by the licensor in the manner prescribed by the legislation of the Republic of Kazakhstan;

6) negative results of the harmonization of the frequency band, radio frequency (radio frequency channel) with the central executive body of the military administration of the Republic of Kazakhstan;

7) Excluded by the Law of the RK dated 15.11.2021 № 72-VII (shall enter into force from 01.01.2022).

8. Refusal to issue permission for use of radio frequency spectrum for radio electronic means ensuring the needs of defence and security of the state shall be carried out in the manner determined by the central executive body of military administration of the Republic of Kazakhstan.

8-1. Permission to use the radio frequency spectrum shall be terminated in the order determined by the authorized body on the following grounds:

1) the user's application for voluntary return of permission to use the radio frequency spectrum;

2) non-use of radio frequency spectrum for one year;

3) failure of the telecom operator to fulfill the obligations to provide communication services to settlements and (or) territories specified in the permission for the use of the radio frequency spectrum of the Republic of Kazakhstan;

4) non-payment to the state budget of fees for the use of the radio frequency spectrum for three quarters in accordance with the Code of the Republic of Kazakhstan "On taxes and other mandatory payments to the budget" (Tax Code);

5) lack of technical infrastructure providing conditions for the provision of broadband access to communication services for at least thirty percent of the population in each settlement and (or) in the territory of use of the issued permission for the use of the radio frequency spectrum after two years after its receipt.

6) a decision of the authorized body to redistribute the radio frequency spectrum for the purposes of:

implementation of promising technologies in the field of communications;

efficient use of the radio frequency spectrum, frequency bands in accordance with plans for the prospective use of the radio frequency spectrum;

7) termination of the activities of an individual entrepreneur or liquidation of a legal entity

;

8) failure by the communications operator to submit a notification on the operation of radio-electronic equipment and (or) high-frequency devices and the calculation of the electromagnetic compatibility of radio-electronic equipment for civilian purposes within six months from the date of receipt of permission to use the radio frequency spectrum, determined in accordance with the legislation of the Republic of Kazakhstan on permits and notifications.

9. In the case of coordination of frequency bands, radio frequencies (radio frequency channels) with radio frequency authorities, the approval period should be no more than thirty calendar days from the moment of receipt of the request, while the application consideration period can be extended for the period of required approvals, but not more than thirty calendar days.

If it is necessary to conduct international coordination of radio frequencies with neighboring states (in the border zones of the Republic of Kazakhstan) in accordance with the Radio regulations of the International telecommunication union, the deadline for considering the application may be extended, but not more than six months, which the applicant shall be notified in advance in electronic form.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after 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 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 28.12.2017 № 128 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 02.07.2020 № 355- VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 15.11.2021 № 72-VII (shall enter into force from 01.01.2022); dated 14.07.2022 № 141 -VII (shall be enforced ten calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication); dated 19.06.2024 № 94-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 13. Distribution and regulation of using the numbering resource and allocation of numbers

1. Procedure for distribution of numbering resource and allocation of numbers, as well as their withdrawal shall be determined by the authorized body of the Republic of Kazakhstan.

2. Authorized body shall maintain register of distributed and reserved numbering resources.

Footnote. Article 13 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 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).

Article 14. Communications network management upon emergency situations, imposition of the state of emergency

1. Communication networks management in case of a threat or occurrence of a social, natural and man-made emergency situation, as well as introduction of a state of emergency shall be carried out in accordance with the legislation of the Republic of Kazakhstan by the authorized body in coordination with state bodies according to the list established by the Government of the Republic of Kazakhstan, which are entitled to priority use, as well as suspension of the operation of networks and means of communication, with the exception of government and presidential communications, networks and communication means of emergency services, in accordance with paragraph 1-2 of Article 41-1 of this Law.

2. Compensation of expenses incurred by communications providers upon use of their networks and means of communications upon a threat or occurrence of emergency situation of social, natural and technogenic character, as well as imposition of the state of emergency shall be carried out in the manner determined by the Government of the Republic of Kazakhstan.

3. Owners of networks and means of communications shall provide absolute priority to all the messages concerning the safety of the people's life at the sea, land, in the air, cosmic space, conduct of high priority measures in the field of defence, security and protection of legal order in the Republic of Kazakhstan, as well as messages on emergency situations.

4. Communication operators shall be obliged to provide free of charge unified duty dispatcher service "112" services to determine the location of the caller and sending short text messages to the subscriber's mobile devices of the population in the event of a threat or occurrence and removal of the threat of emergencies of social, natural and technogenic, introduction of the state of emergency, in the interests of defense, security and law enforcement. The order of use of networks of communication operators for the specified purposes shall be determined by the authorized body.

5. In the event of a threat and/or occurrence of an emergency situation of a social, natural or man-made nature, as well as in the event of introduction of an emergency state, communication operators shall be obliged to provide mobile communication stations at the request of operational headquarters.

6. Cellular communication operators shall ensure the functioning of broadcast message transmission technology on their networks.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the laws of the Republic of Kazakhstan dated 16.11.2015 № 404-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (order of enforcement see Article 2); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 15. Interaction of communication operators, the operator of the centralized database of subscribers numbers, the operator of the database of identification codes of subscribers devices of cellular communication with the bodies carrying out operational-investigative, counterintelligence activities

Footnote. The title of Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Communication operators and (or) owners of communication networks operating on the territory of the Republic of Kazakhstan shall be obliged to:

1) provide the bodies carrying out operational-investigative, counterintelligence activities on communication networks with organizational and technical capabilities of conducting operational-investigative, counterintelligence actions on all communication networks, as well as take measures for prevention of disclosure of forms and methods for conducting the specified actions;

2) to carry out collection and storage of official information in the manner determined by the authorized body. Storage of official information shall be carried out on the territory of the Republic of Kazakhstan. The transfer of proprietary information and aggregated data outside the Republic of Kazakhstan shall be prohibited, with the exception of cases of providing communication services to the subscribers of the Republic of Kazakhstan located abroad;

3) provide the bodies carrying out operational-investigative, counterintelligence activities on communication networks with the access to office information, as well as take measures for prevention of disclosure of forms and methods for conducting the specified actions;

4) provide at the expense of own or attracted funds the functions of own telecommunication equipment for technical conduct of operational-investigative, counterintelligence actions in accordance with the requirements for communication networks and means and the order which are determined by the Government of the Republic of Kazakhstan;

5) ensure provision of communication services, as well as distribution by the representative of the communication operator of subscriber numbers only upon conclusion of

an appropriate contract on rendering of communication services concluded in accordance with the rules for rendering communication services.

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Operators of communication, the operator of a centralized database of subscribers numbers and the operator of the database of identification codes of the subscribers devices of cellular communication shall be obliged to provide the access to information contained in the databases of subscribers numbers and identification codes of the subscribers devices of cellular communication to the bodies carrying out operational-investigative, counterintelligence activities on communication networks, in accordance with this Law and the laws of the Republic of Kazakhstan "On operational-investigative activity", "On counterintelligence activities", "On personal data and their protection".

4. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

5. Relations between communication operators, the operator of the centralized database of subscribers numbers, the operator of the database of identification codes of subscribers devices of cellular communication with the bodies engaged in operational-investigative, counterintelligence activities shall be regulated in accordance with this Law and the laws of the Republic of Kazakhstan "On operational-investigative activities", "On counterintelligence activities".

6. Operators of cellular communication shall be obliged to suspend or resume the work of the subscriber device of cellular communication in their network by the identification code at the request of the owner in accordance with the rules of registration of subscribers devices of cellular communication.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (shall be enforced from 01.07.2017); as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall enter into force 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 15-1. Interaction of communication operators with the state bodies using special technical equipment for blocking a radio signal or identification and (or) suppression of unauthorized use of subscribers devices

1. In order to ensure the protection of institutions of the penal enforcement system, the internal affairs bodies within their territories use special technical equipment for blocking a radio signal or identification and (or) suppression of unauthorized use of subscribers devices.

2. Communication operators shall be obliged to ensure:

1) consulting and technical assistance to internal affairs bodies when installing special technical equipment on the territory of penal institutions to block a radio signal or identification and (or) suppression of unauthorized use of subscribers devices;

2) optimization of own communication networks, including timely response and taking measures to reduce the distribution of radio signals on the territory of the penal system institutions.

3. Special technical equipment for blocking a radio signal must comply with the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation.

Footnote. Chapter 2 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

Article 15-2. Interaction of telecom operators with bailiffs

Telecom operators on a reimbursable contractual basis shall provide bailiffs with services for sending (delivery) text messages to subscriber cellular devices of the parties to enforcement proceedings.

Footnote. Chapter 2 as added by the Article 15-2 in accordance with the Law of the RK dated 26.06.2020 № 349-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 16. Confirmation of conformance of technical means of communications

Technical means of communications used at the single telecommunications network of the Republic of Kazakhstan, radio electronic means and high frequency devices being the source of electromagnetic radiation, technical means of postal communications shall be subject to confirmation of conformance in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 29 December 2006 № 209 (the order of enforcement see Article 2).

Article 16-1. Notification on the commencement or termination of communication services activities

1. Communication operator shall be obliged to send a notification to the authorized body on paper or in electronic form from the moment of commencement of activities for rendering communications services.

The notification shall specify:

name of the communication operator;

business identification number of the communication operator;

name of communication services;

territory of rendering communication services.

2. In case of change of the communication operator name, its business identification number, names of communication services and territory of rendering communication services, the communication operator shall be obliged to send a notification in accordance with paragraph 1 of this Article.

3. The communication operator shall be obliged to send a notification to the authorized body on paper or in the form of an electronic document from the moment of termination of activities on rendering communication services.

The notification shall specify the communication operator name and its business identification number.

Footnote. Chapter 2 is supplemented by Article 16-1 in accordance with the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

Article 16-2. Notification on the commencement or termination of operation of radio-electronic means and (or) high-frequency devices

Individuals and/or legal entities, including diplomatic and consular missions of foreign states shall be obliged to send a notification to the territorial subdivisions of the authorized body in the form determined in accordance with the legislation of the Republic of Kazakhstan on permits and notifications prior to the start or termination of the operation of radio electronic means and (or) high-frequency devices, including radio electronic means and high-frequency devices of amateur radio services.

Footnote. Chapter 2 is supplemented by Article 16-2 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the RK dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 17. Licensing of activity in the field of communications

Licensing of activity in the field of communications shall be carried out by the authorized body in accordance with the legislation of the Republic of Kazakhstan on permissions and notifications.

Footnote. Article 17 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 17-1. Procedure for coming in of radio electronic means and high frequency devices

1. Import into the territory of the Republic of Kazakhstan from countries outside the Eurasian economic union of limited radio-electronic means and high-frequency devices, including built-in or included in other goods, shall be carried out on the basis of a license

issued by a body authorized by the Government of the Republic of Kazakhstan, in accordance with international contracts in the sphere of licensing of foreign trade in goods ratified by the Republic of Kazakhstan, and the Law of the Republic of Kazakhstan "On Permits and Notifications", except for the cases provided by paragraph 2 of this Article.

2. Radio electronic means and high frequency devices of civil purpose, as well as integrated or included into the composition of other goods brought in cases different from the import for the term no more than six months shall be brought to the territory of the Republic of Kazakhstan on the basis of conclusion of the authorized body in cases if they are designated for:

1) ensuring of stay of official foreign delegations in the territory of the Republic of Kazakhstan;

2) conducting sport competitions and other cultural events conducted in the territory of the Republic of Kazakhstan;

3) demonstrations at the exhibitions held in the territory of the Republic of Kazakhstan;

4) conduct of scientific research and experimental works in the territory of the Republic of Kazakhstan;

5) conduct of tests for the purpose of confirmation of conformance (certificate or declaring of conformity).

Footnote. The Law is supplemented by Article 17-1 in accordance with the Law of the Republic of Kazakhstan dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); as amended by 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); dated 26.12.2017 № 124-VI (shall be enforced from 01.01.2018).

Article 18. Distribution of national resources in the field of communications on a competitive basis

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012).

1. The right to use a radio frequency resource shall be granted after the distribution of frequency bands, radio frequencies (radio frequency channels) on the basis of a competition (or auction) if the communication service is provided using radio frequencies in the range for which radio frequency authorities have set a limit on the possible number of communication operators operating in a certain territory due to the insufficient volume of the radio frequency spectrum. In this case, the communication operator shall be obliged to provide communication services to the territory or populated areas, which are reflected in the permit for the use of the radio frequency spectrum.

2. The decision to hold a tender (or auction) shall be made by the authorized body in accordance with paragraph 1 of this Article.

The tender (or auction) shall be held no later than six months after such a decision is made

3. Upon receipt of the right to use radio frequencies following the results of the competition (or auction), the winner shall make a one-time payment to the state budget in the manner and amount established by the tax legislation of the Republic of Kazakhstan.

4. Legal entities complying with the requirements established by the legislation of the Republic of Kazakhstan, the rules for assigning frequency bands, radio frequencies (radio frequency channels), the operation of radio and electronic and high-frequency devices, as well as the calculation of electromagnetic compatibility of civil radio and electronic shall be allowed to participate in competitions (or auctions).

Footnote. Article 18 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.11.2021 № 72-VII (shall enter into force from 01.01.2022); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 19. Licensing of activity on organization of television and (or) radio broadcast

Footnote. Article 19 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

Article 20. Communications services rates

1. Communications services rates shall be established by the communications providers on an independent basis based on substantiated expenses unless otherwise provided by the Laws of the Republic of Kazakhstan.

2. The authorized body shall regulate:

1) tariffs for services in the sphere of natural monopoly in the field of communications, as well as prices for services produced and realized by the subject of state monopoly in the field of communications;

2) the marginal level of prices for subsidized universal communication services provided in rural areas.

3) marginal tariffs for property rental (lease) of places for the placement of communication facilities, as well as supports for overhead power transmission lines for the installation of fiber-optic communication lines.

The procedure for regulating prices and tariffs for the services specified in this paragraph shall be determined by the authorized body.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017).

4. Communication operators in the order determined by the rules of communication services shall ensure round-the-clock provision of free connections to the operator of the emergency call system, emergency medical, law enforcement, fire, emergency and other services to each user of communication services in accordance with the list determined by the Government of the Republic of Kazakhstan.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 17.04.2014 № 195-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2018 № 202-VI (shall be enforced from 01.01.2019); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 3. Communications networks Article 21. Single telecommunications network of the Republic of Kazakhstan

1. Single telecommunications network of the Republic of Kazakhstan represents the telecommunications network located in the territory of the Republic of Kazakhstan and consisted of the telecommunications networks of the following categories:

- 1) telecommunications networks of common use;
- 2) departmental telecommunications networks;
- 3) allocated telecommunications networks;
- 4) telecommunications networks of special purpose;
- 5) corporative and other networks of transferring the information by electromagnetic signals.

2. For networks that make up a unified telecommunications network of the Republic of Kazakhstan, with the exception of presidential communication networks, the national security bodies shall determine the procedure for functioning the system of centralized management of telecommunications networks of the Republic of Kazakhstan, including:

- organization, registration and operation of international junction points;
- complex of organizational and technical measures, formation of control parameters;
- requirements to the applied means of communication and their management, ensuring information security on communication networks, commissioning of communication networks and control over execution;

provision by operators of long-distance and international communication of lines and communication channels necessary to ensure functioning of the system of centralized management of telecommunications networks of the Republic of Kazakhstan.

3. Network operators of all categories shall be required to have a network management center on the territory of the Republic of Kazakhstan.

Employees of telecommunications operators, whose functional duties include operation and maintenance of means for conducting operational-search and counterintelligence activities, as well as maintenance of systems that ensure collection and storage of official information, shall be citizens of the Republic of Kazakhstan. Transfer by telecom operators to other persons of any kind of management of their own communications networks shall be prohibited.

When creating telecommunication networks, communication operators shall ensure technological compliance of telecommunication equipment of communication networks with national standards that establish requirements for ensuring the conduct of operational-investigative and counterintelligence activities.

4. Telecommunications networks of common use represent the set of interrelated telecommunications networks designed for rendering of telecommunications services to all the users in the territory of the Republic of Kazakhstan.

Telecommunications networks of common use shall be divided into the telecommunications networks determined:

1) geographically within the limits served territory and resource of numbering (local telecommunications networks);

2) non-geographically not linked with geographically determined territory within the Republic of Kazakhstan and resource of numbering;

3) **Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

Telecommunications networks of common use shall interact with telecommunications networks of common use of foreign states.

5. Departmental telecommunications networks shall be intended for ensuring of the realization of management and organizational purposes of state bodies and bodies of local self-government in accordance with their powers, as well as for realization of ensuring the industrial and administrative purposes of state enterprises and institutions.

Departmental telecommunication networks interact with each other through a unified transport environment of state bodies, including the use of state encryption and other means of information protection used in accordance with the legislation of the Republic of Kazakhstan.

6. Allocated telecommunications networks represent independent category of telecommunications networks and intended for rendering of telecommunications services (electrical communications) to limited circle of users and:

1) may interact with each other, but do not have interconnection to telecommunications networks of common use of the Republic of Kazakhstan or any other networks interconnected to the telecommunications networks of common use, as well as to telecommunications networks (electrical communications) of common use of foreign states;

2) may be interconnected to telecommunications networks of common use with the transfer to the category of telecommunication network of common use, if they conform to requirements regulating functioning of the telecommunications networks of common use. By this, non-geographical code assigned previously to this allocated network shall be withdrawn;

3) rendering of communications services by the providers of these telecommunications networks shall be carried out on the basis of the license.

Technology and means of communications applied for organizing allocated networks, as well as the principles of forming and numbering system shall be established by owners of these networks. Numbering (non-geographical code) from the national resource for this category of networks shall not be allocated.

7. Special-purpose telecommunications networks are designed to meet the needs of the authorized state bodies, the state security Service, military management bodies, national security and internal affairs of the Republic of Kazakhstan, which can be used as the basis of public telecommunications networks.

Special purpose telecommunications networks may not be used for paid rendering communication services, unless otherwise provided by the laws of the Republic of Kazakhstan.

The procedure for the construction, management, use, distribution of numbering, organizational and technical support for the operation, information security, traffic transmission, conditions of interaction, and commissioning (decommissioning) of special-purpose telecommunications networks shall be determined by the heads of authorized state bodies, the State Security Service, military command bodies, national security and internal affairs of the Republic of Kazakhstan, for whose needs these networks are intended.

8. Corporative telecommunications networks are intended for ensuring the realization of managing and intraproductive purposes of legal entities.

Corporative telecommunications networks may:

1) have interconnection to the telecommunications networks of common use as a corporative client by the corporate switching station within the administrative territory or at the level of transit node of international switching centre of the Republic of Kazakhstan, if they unite the parts of network distributed through the different administrative territories with allocation of the relevant resource of numbering;

2) be used for compensated rendering of communications services (if there are no networks of the telecommunication networks providers of common use in zone of their action) upon condition of receiving the license for carrying out entrepreneurial activity in accordance with Article 17 of this Law.

9. Networks of television and radio broadcasting are the component part of the single telecommunications network and represent single production technology complex of the ground and satellite broadcasting systems used for distribution and translation of television and radio programs in the territory of the Republic of Kazakhstan and foreign states. Ground systems shall include radio-relay and cable communications lines, radio transmitters of different power and other means for translation of the state and commercial programs. Satellite systems shall include the orbital communications satellite belonging to international satellite organizations being separate from the state and ground transmitting and receiving stations.

10. *Is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).*

11. *Is excluded by the Law of the Republic of Kazakhstan dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).*

Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 18.01.2012 № 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 23.04.2012 № 14-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after 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 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication); dated 28.12.2017 № 128-VI (the order of enforcement see Article 2); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 23.12.2023 № 51-VIII (effective sixty calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 22. State dispatch service

Footnote. Article 22 excluded by the Law of the RK dated 29.06.2021 № 58-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 22-1. Rights and obligations of servants of dispatch service

Footnote. Article 22-1 excluded by the Law of the RK dated 29.06.2021 № 58-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 22-2. Service of special communications

Footnote. Article 22-2 is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23. Communication networks for the needs of authorized state bodies, military management bodies, national security and internal affairs of the Republic of Kazakhstan

1. Governmental communication shall be provided by the national security body of the Republic of Kazakhstan in the manner determined by the President of the Republic of Kazakhstan.

Presidential communication shall be provided by the state security Service in the manner determined by the President of the Republic of Kazakhstan.

Communication operators shall carry out modernization and development of public telecommunications networks, taking into account the technical capabilities and equipment of governmental and presidential communications in coordination with the national security agency and the state security Service.

Systems of governmental, presidential communication, encrypted, secret and coded communication shall be provided in the manner determined by the legislation of the Republic of Kazakhstan.

2. The procedure for organization of encrypted work in the authorized state bodies, military management bodies, national security and internal affairs of the Republic of Kazakhstan and the procedure for ensuring governmental communication shall be developed by the Committee for national security of the Republic of Kazakhstan.

3. The procedure for organization of encrypted work in the authorized state bodies, military management administration bodies, national security and internal affairs of the Republic of Kazakhstan shall be determined by the President of the Republic of Kazakhstan.

4. Provision of communication lines and channels, channels in cable sewers and areas necessary for placement of technical means for the needs of the authorized state bodies, state security Service, military management bodies, national security and internal affairs of the Republic of Kazakhstan, as well as the operator of information and communication infrastructure of "electronic government" shall be carried out on a contractual basis at prices (tariffs) regulated by the authorized body, in the manner determined by the Government of the Republic of Kazakhstan.

5. The procedure for preparation and use of resources of a unified telecommunications network to ensure functioning of special purpose telecommunications networks shall be determined by the Government of the Republic of Kazakhstan.

6. Communications operators shall ensure priority provision of communication channels and lines, as well as their safety for the needs of state bodies, the State Security Service of the Republic of Kazakhstan, military administration, national security, internal affairs bodies of

the Republic of Kazakhstan, the operator of the information and communication infrastructure of "electronic government" and take priority and urgent measures to replace communication channels or restore them in case of damage.

7. Communications operators shall not be entitled to disable communication channels and (or) suspend the provision of government and presidential communication services, communication services to the State Security Service, military administration, national security and internal affairs bodies of the Republic of Kazakhstan, as well as the operator of the information and communication infrastructure "electronic government otherwise than by court ruling.

8. Operators shall be obliged to provide at existing and newly constructing buildings and communication centers the areas necessary for placement of technical means, as well as reserve capacities in line-cable constructions and guaranteed power supply used in the interests of telecommunication networks of special purpose, governmental and presidential communication.

9. In case of complicating the operational situation in peacetime, conducting particularly important works and actions, the communication operators shall allocate to the users of communications services, carrying out operational-investigative and counterintelligence activities or having powers for conducting particularly important works and actions, additional channels and direct communication lines for individual applications on the terms of temporary lease without signing contracts with subsequent compensation of expenses, if necessary using working channels of telecommunication network of the general use.

Footnote. Article 23 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (the order of enforcement see Article 2); as amended by the Law dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 24. Postal communications

1. Postal communications represents the part of infrastructure of communications providing receipt, processing, transfer and delivery of postal matters, money transfers, as well as organizing forwarding, delivery and distribution of periodical press, delivery of pensions and benefits on a contractual basis.

The activity of the postal operator on provision of postal services shall be regulated by the legislation of the Republic of Kazakhstan on post.

2. Processing and delivery of military matters shall be carried out by postal and courier communications of the Armed Forces of the Republic of Kazakhstan.

3. Is excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

4. Is excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

5. Is excluded by the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 4. Interaction of telecommunications networks Article 25. Interconnection of telecommunication networks

1. All the communications providers shall have the right to interconnect own networks to the telecommunications networks of common use.

Interconnection of one telecommunications network to another shall be carried out by the communications providers on the basis of the contract.

2. Communication operators, owners of telecommunications networks and users of communication services shall be obliged to provide connection and traffic transmission services in accordance with the rules approved by the authorized body. Standard conditions for connection of telecom operators shall be agreed upon with the authorized body.

3. Passage of international traffic shall be carried out only through the networks of international communications operators, taking into account observance of the procedure for operation of the centralized management system of telecommunications networks of the Republic of Kazakhstan.

3-1. Transmission of Internet traffic by communications operators on the territory of the Republic of Kazakhstan shall be carried out with observance of the operation order of the centralized management system of telecommunications networks of the Republic of Kazakhstan.

4. It shall be forbidden to exchange Internet traffic between telecommunication operators through telecommunication networks located in the territory of another state.

4-1. The organization of satellite communications through terrestrial telecommunications networks of foreign satellite operators located on the territory of a foreign state shall be carried out in accordance with paragraph 2 of Article 21 of this Law.

5. Transmission and exchange of traffic through the Internet traffic exchange points between all connected to the Internet traffic exchange point and communication operators shall be carried out free of charge.

Footnote. Article 25 as amended by the Laws of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 №

141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.02.2023 № 194-VII (shall be enforced from 01.04.2023); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 26. Specifics of connecting telecommunications networks by communications operators

Footnote. The heading of Article 26 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication).

1. For operators of public telecommunications networks, an affiliation contract defining the conditions for the provision of interconnection services to other telecommunications networks, as well as the related obligations for interaction of networks and traffic transmission, shall be a public contract.

2. It shall not be allowed for the telecom operator to refuse to conclude a connection agreement or for the telecom operator to establish knowingly restrictive conditions for connection or laying communication lines.

Knowingly restrictive conditions for connection or laying communication lines shall be understood as technical conditions for connection established by the communications operator, the fulfillment of which for the connected communications operator is disproportionate to the costs that could be incurred under other conditions of connection, or is not possible due to refusal of the land plot owner, land user, owner of a building or structure for laying a telecommunications network on their territory and (or) in buildings or structures.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3-1. Long-distance and/or international operators shall:

1) publish a list of standard connection points (connections);

2) provide, at the expense of its own funds, the lines and communication channels necessary to ensure the functioning of the system of centralized management of telecommunication networks of the Republic of Kazakhstan, and ensure the connection of its communication networks to the system of centralized management of telecommunication networks of the Republic of Kazakhstan in the manner determined by the National Security Committee of the Republic of Kazakhstan;

3) ensure connection and transfer of their networks and communication subnetworks to Internet traffic exchange points on a regional basis, subject to the presence of an operator of long-distance and (or) international communication in the region where Internet traffic exchange points are located, as well as receiving Internet traffic from Internet traffic exchange points in the manner determined by the National Security Committee of the Republic of Kazakhstan;

4) carry out traffic transmission using the protocols, supporting encryption with the use of a security certificate, except for the traffic encrypted by means of cryptographic protection of information on the territory of the Republic of Kazakhstan.

4. Providers of intercity and international communications shall have the right to render:

1) services of intercity and international telephone communications to the subscribers of their networks;

2) services of intercity and international communications to other communications providers;

3) services on traffic transit and provision of the network resources to the other communications providers;

4) other types of communications services upon condition of receiving the relevant licenses in the manner established by the Law of the Republic of Kazakhstan “On permissions and notifications”.

5. Providers of intercity communications shall have the right to render:

1) services of intercity telephone communications to the subscribers of their networks;

2) services of intercity communications to other communications providers;

3) other types of services upon condition of receiving the relevant licenses in the manner established by the Law of the Republic of Kazakhstan “On permissions and notifications”.

6. Providers of international communications shall have the right to render:

1) services of international telephone communications to the subscribers of their networks ;

2) services of international telephone communications to other communications providers;

3) other types of communications services upon condition of receiving the relevant licenses in the manner established by the Law of the Republic of Kazakhstan “On permissions and notifications”.

7. Virtual mobile operators shall have the right to provide communication services in case of obtaining a permit in accordance with the procedure established by the Law of the Republic of Kazakhstan "On Permits and Notifications".

Footnote. Article 26 as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 174; dated 27 July 2007 № 316 (shall be enforced from the date of its first official publication); dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); 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 24.11.2015 № 419-V(shall be enforced from 01.01.2016); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication);

dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 5. Security and protection of means, structures and network communications, radio frequency spectrum and orbital positions of communications satellites Article 27. Protective zones of communications networks

1. For the purpose of ensuring the preservation of communications networks, operation of technical means, structures and devices, the protective zones and glades that are the zones with special conditions of using the lands shall be established.

2. Lands included to the protective zones shall be designated at location by special signs. Such lands shall not be subject to seizure from owners and land users.

3. Procedure for establishment of protective zones and work regime in there shall be determined by the authorized body. Borders of mentioned zones and regime of using the lands in there shall be determined by the body that took decision on provision of lands into ownership or land use, in accordance with the land legislation of the Republic of Kazakhstan.

Footnote. Article 27 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 28. Security and protection of means of communications, structures and communications networks, radio frequency spectrum and orbital positions of communications satellite

1. Networks and means of telecommunications, radio frequency spectrum and orbital positions of communications satellite are under the state protection.

2. Protection of means of communications, structures and communications networks, radio frequency spectrum, orbital positions of communications satellites shall be established in accordance with the legislation of the Republic of Kazakhstan.

3. For the purpose of protection of established procedure for using the radio frequency spectrum and orbital positions of communications satellite, the legislation of the Republic of Kazakhstan may establish restrictions for production and coming up to the Republic of Kazakhstan, as well as operation of radio electronic communications means creating unnormalized noises of functioning of electromagnetic systems.

4. Individuals and legal entities that admitted the damage of communications means, structures and telecommunications networks, the violation of established procedure for manufacturing, acquisition, coming up, use of radio electronic means and high frequency devices, use of radio frequencies for work of radio electronic means of all the designations and high frequency devices, as well as creating unnormalized noises to television and radio reception shall bear responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Article 28 as amended by the Laws of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 10.07.2012 № 36-V (

shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 5-1. State control in the field of communications and radio control in the territory of the Republic of Kazakhstan

Footnote. Title of chapter 5-1 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2).

Article 28-1. State control in the field of communications

1. State control in the field of communications shall be carried out in the form of inspection, preventive control with a visit to the subject (object) of radio control and preventive control without visiting the subject (object) of radio control.

1-1. Inspection and preventive control with a visit to the subject (object) of radio control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

2. Preventive control without visiting the subject (object) of radio control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Law.

Footnote. Article 28-1 is in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 28-2. Procedure for organization and conduct of inspections of individuals and legal entities carrying out the activity in the field of communications

Footnote. Article 28-2 is excluded in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2).

Article 28-3. Organization of conducting inspection of individuals and legal entities carrying out the activity in the field of communications

Footnote. Article 28-3 is excluded in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2).

Article 28-4. Procedure for conducting inspections of individuals and legal entities carrying out the activity in the field of communications

Footnote. Article 28-4 is excluded in accordance with the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2).

Article 28-5. The procedure for radio control

1. Radio control for radiation of radio electronic means and high-frequency devices of civilian purpose shall be carried out by conducting documentary control of technical documentation and permissions, parameters of radio electronic means and high frequency devices, and operating modes using control and measuring equipment and means of radio control (instrumental control) and is conducted in the form of preventive control without a visit to the subject (object) of radio control.

2. The object of radio control shall be the use of the radio frequency spectrum.

3. The subjects of radio control shall be economic entities carrying out activities in the field of communications.

4. The objectives of radio control shall be timely suppression and prevention of violations, provision the subjects of radio control with the right to independently eliminate violations identified by the results of radio control, and reducing the administrative burden on them.

5. Under the control and measuring equipment and means of radio control should be understood certified technical means of measuring the parameters and characteristics of radio electronic means and high-frequency devices that have passed metrological verification, fixing the fact of committing an administrative offense.

6. Radio control shall be carried out by territorial subdivisions of the authorized body according to the schedule-plan of radio control approved by the head of authorized body or the person substituting him/her.

Schedule-plans of radio control shall be drawn up by territorial subdivisions for each quarter.

7. If violations are detected based on the results of radio control in the actions (inactions) of the radio control subject (object) by the territorial subdivisions of the authorized body, a recommendation is drawn up and sent no later than five working days from the date of detection of violations.

8. The recommendation shall be handed over to the subject of radio control personally under the signature or in any other way confirming the facts of sending and receiving.

A recommendation sent by one of the following ways shall be deemed to have been delivered in the following cases:

1) on purpose - from the date of mark in the recommendation on receipt;

2) by mail- by registered letter with notification;

3) electronically - from the date of sending to the e-mail address of the subject of radio control specified in the letter at request.

9. The recommendation on elimination of violations revealed by the results of radio control

10. The subject of radio control, in case of disagreement with the violations indicated in the recommendation, shall have the right to send an objection to the territorial units of the

authorized body that sent the recommendation within five working days from the day following the day of its delivery.

11. Non-execution in the established term of recommendation on elimination of violations revealed by the results of radio control, shall entail appointment of preventive control with a visit to the subject (object) of radio control by inclusion in the semi-annual list of preventive control with a visit to the subject of radio control.

12. Radio control in respect of subjects (objects) of radio control shall be conducted no more than once a quarter.

13. In case of interferences in the operation of radio-electronic means and high-frequency devices for civilian purposes, for which permits have been issued, in accordance with the legislation of the Republic of Kazakhstan:

1) owners of radio-electronic devices and high-frequency devices experiencing interference should be checked in accordance with the standards and documents on standardization of technical parameters of radio-electronic devices and high-frequency devices, including selective and protective properties of receiving devices. If they do not comply with the standards, owners of radio-electronic equipment must take measures to bring the characteristics into compliance with the standards or replace radio-electronic equipment and high-frequency devices. In case of interference due to radiation from other radio-electronic and high-frequency devices, owners of avionics and high-frequency devices experiencing interference contact the authorized body and (or) territorial subdivisions of the authorized body;

2) the authorized body and (or) territorial subdivisions of the authorized body shall organize work to determine the sources and nature of interference, the causes of their occurrence and take measures to eliminate them;

3) due to violation of established parameters and (or) operating modes, deterioration of selective or protective properties of receiving devices of radio-electronic means and high-frequency devices and intermodulation interference caused by mutual influence of radio-electronic means and high-frequency devices located nearby, the authorized body and (or) territorial subdivisions of the authorized body issue recommendations on elimination of interference;

4) if it is impossible to eliminate interferences on the assigned frequencies, the authorized body shall make a new assignment of radio frequencies;

5) due to unintentional interference of industrial or technological nature, the authorized body and (or) territorial subdivisions of the authorized body shall take measures to determine the source of interference and eliminate them.

14. Upon receipt of claims from administrations of communication of foreign states for radio interferences, the sources of which are located on the territory of the Republic of

Kazakhstan, the authorized body in accordance with the international agreement shall determine the legal basis of these claims, if the claims are justified, shall establish the causes of interferences and take measures on their elimination.

15. If radio-electronic means and high-frequency devices located on the territory of the Republic of Kazakhstan experience interferences from sources located on the territories of other states, the authorized body in accordance with the international agreement shall take measures on elimination interferences in order to protect the interests of owners of radio-electronic means and high-frequency devices located on the territory of the Republic of Kazakhstan.

16. Measures for detection and suppression of radio interference and action of radio electronic means and high-frequency devices without appropriate permits shall be carried out by the authorized body and (or) territorial subdivisions of the authorized body.

Footnote. Article 28-5 is in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 28-6. Rights of owners of radio electronic means and high frequency devices

Owners of radio electronic means and high frequency devices shall:

1) use radio frequencies (radio frequency channels) assigned to radio electronic means and high frequency devices for carrying out of activity being relevant to conditions of the received permission;

2) address to authorized body and (or) territorial divisions of authorized body for interference elimination on the radio frequency (radio-frequency channel) appropriated to radio-electronic means and the high-frequency device;

3) appeal against actions (inaction), decisions of officials, authorized body and (or) territorial subdivisions of the authorized body in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 28-6 as amended by the Law of the RK dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 28-7. Obligations of owners of radio electronic means and high frequency devices

Owners of radio electronic means and high frequency devices shall:

1) ensure compliance of technical characteristics and operating conditions of radio-electronic means and high-frequency devices with the parameters stated in the

notification on the commencement or termination of operation of radio-electronic means and (or) high-frequency devices, as well as with the established rules and regulations;

2) provide access to radio-electronic and high-frequency devices to officials of territorial subdivisions of the authorized body when presenting an official certificate or identification card for the purpose of conducting radio control by the territorial subdivisions of the authorized body;

3) perform prescriptions of the authorized body on suspension (as well as due to imposition of temporary prohibitions) or termination of using the radio frequencies (radio channels) of radio electronic means, as well as on elimination of the violations of permissions ' conditions issued to users of radio electronic means and high frequency devices.

Footnote. Article 28-7, as amended by the Laws of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.11.2019 № 273-VI (shall enter into force upon expiry of six months after the day of its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 28-8. Monitoring of radio frequency spectrum, radio electronic means and (or) high frequency devices

1. Monitoring of the radio frequency spectrum, radio electronic means and (or) high frequency devices - a set of organizational and technical measures for collecting, processing, analyzing and storing data on the parameters and characteristics of radio signals and radio emission sources in order to obtain the necessary information for making decisions on the use of the radio frequency resource by the authorized body and (or) territorial subdivisions of the authorized body.

2. Monitoring of radio frequency spectrum, radio-electronic and (or) high-frequency devices of civil purpose is carried out by the state radio frequency service in order to:

- 1) detection of efficiency of using the radio frequency spectrum;
- 2) identification of parameters and characteristics of radio radiations to applied parameters and characteristics of sources registered in data base;
- 3) detection of unregistered sources of radio radiations;
- 4) detection of locations of radio radiations sources;
- 5) conduct of measurements within the performance of works on recommendations of the International Telecommunication Union, Regional Telecommunication Union and Response service on computer incidents, as well as upon applies from communications administration of the frontier countries;

6) accounting, storage and processing of the results of monitoring of radio frequency spectrum, radio electronic means and (or) high frequency devices of civil purpose.

Footnote. Chapter 5-1 is supplemented by Article 28-8 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 6. Development of communications networks Article 29. Development of communications networks

1. Communications providers shall plan and carry out development of communications networks on an independent basis.

2. Financing of measures oriented to development of communications networks may be carried out at the expense of own and borrowed funds, as well as at the expense of attracting the investments in the manner established by the legislation of the Republic of Kazakhstan.

3. Upon construction of dwelling houses and other objects, designing and laying of internal and intraquarter communications networks, as well as installation of the subscribers' mail boxes shall be carried out at the expense of the funds of building owner on the basis of current technical regulations and rules.

4. Upon comprehensive development of housing estates, building of production objects and inhabited localities adjoining to them, designing and construction of all the means of communications including the civil structures and premises of post offices shall be carried out at the expense of means of the building owner.

4-1. Designing and laying of intraquarter networks and communications lines, other objects of engineering infrastructure including cable duct system shall be carried out in accordance with the construction plan of communications structures and other objects of engineering infrastructure.

4-2. Owners of buildings and structures or their authorized representatives shall be obliged to provide areas to communication operators on equal terms for the placement of telecommunications equipment for the purpose of providing communication services.

Owners of apartments and non-residential premises of an apartment building shall make a decision at a meeting to transfer part of the common property of the condominium facility to mobile operators for property lease (rent) for the installation of telecommunications equipment or delegate such authority in accordance with the Law of the Republic of Kazakhstan "On Housing Relations".

4-3. Based on a contract, communication operators may jointly use engineering infrastructure facilities, joint-use supports, other telecommunications facilities and communication networks.

4-4. Communication operators and (or) owners of telecommunications networks shall provide access to their telecommunications infrastructure to cellular operators for the organization of wireless access to the Internet in rural areas on the basis of a contract.

5. In construction or reconstruction of buildings, structures, roads, bridges and other objects of work on reconstruction and transfer of lines (networks), communication facilities shall be carried out at the expense of the customer of construction in accordance with the documents on standardization and specifications issued by the owners of lines (networks), communication facilities and (or) users.

At the same time, the peculiarities of transfer by state legal entities of lines (networks), communication facilities, on which the removal (transfer) at the reconstruction site is carried out, shall be determined by the Law of the Republic of Kazakhstan "On State Property".

6. Designing, construction of republican main, international lines and communications networks shall be carried out by individuals and legal entities on the basis of the license issued by the state authorized body in the field of construction in concurrence with the authorized body.

6-1. Fiber-optic communication lines may be installed through overhead power line supports in accordance with the rules for the installation of electrical installations approved by the state body carrying out management in the field of electric power engineering.

Overhead power line supports owned by the state shall be provided to telecom operators in accordance with the Law of the Republic of Kazakhstan "On State Property".

Telecom operators shall perform technical conditions for the repair of overhead power line supports that are in improper condition.

7. At construction of buildings, structures and objects of state bodies, organizations which workers are subscribers of a network of the governmental and presidential communication, as well as at change of their location, design and laying of connecting lines and internal communication networks of a special purpose shall be carried out by the customers of construction at the expense of own means.

Footnote. Article 29 as amended by the Laws of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (the order of enforcement see Article 2); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.02.2023 № 194-VII (shall be enforced from 01.04.2023); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 29-1. Provision of direct line for use

Owner of local telecommunications network upon reference of the owners of telecommunications networks and (or) communications providers may provide direct lines on a contractual basis for use, as well as being a part of the subscribers' lines for rendering of services of Internet access.

The subscriber shall have the right of choice of the communications provide rendering the services of Internet access.

Footnote. Chapter 6 is supplemented by Article 29-1 in accordance with the Law of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2).

Article 29-2. Provision for use of telecommunication networks for emergency call system in case of accidents and catastrophes

The cellular communication operator shall be obliged to provide its cellular networks free of charge for the use to the operator of the emergency call system for transmission of messages about traffic accidents and other emergencies on the roads and for establishment of two-way voice communication with the operator of the emergency call system.

Footnote. Chapter 6 is supplemented by Article 20-2 in accordance with the Law of the Republic of Kazakhstan dated 17.04.2014 № 195-V (shall be enforced upon expiry of six months after the date of its first official publication); is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 30. Use of transport vehicles

1. The postal service and special postal services, as well as postal operators, shall be entitled to transport mail and special mail on all routes and lines of railway, sea, inland water, air and road transport, accompanied by employees of the postal operator, employees of special postal communication, as well as to transfer mail and special mail for transportation in accordance with civil legislation of the Republic of Kazakhstan.

2. Transport organizations carrying out regular transportation through intercity intraoblast, intercity, interoblast and international routes of travel shall not have the right to refuse from conclusion of contracts for transportation of postal matters and special packages, except for the cases of absence of possibility to render the services on transportation in accordance with the legislation of the Republic of Kazakhstan, at the same time shall secure the right:

1) of permanent set booking, extraordinary acquisition of tickets by servants of dispatch service and service of special communications upon performance of employment duties by them;

2) unimpeded passage of vehicles of courier service and service of special postal communication to the served establishments, organizations, to the places of parking of aircrafts, trains, automobile, sea and river transport;

3) unimpeded landing of armed employees of the courier service and special service of postal communication to general boarding of passengers.

3. Road vehicles of the special postal service shall be classified as "special" without any distinctive inscriptions and cannot be used in the interests of state bodies and state organizations without the consent of these services, except in cases of martial law or wartime declaration, as well as in the introduction of a state of emergency or in natural and man-made emergencies.

4. In case of occurrence of emergency situations at damaged networks and means of communications, the communications organizations shall have the right to rent transport vehicles from the carrier in a priority manner.

Automobile transport vehicles belonging to communications organizations may have special symbolics and without the agreement of communications organizations may not be used for rendering of services and performance of works not related to the activity in the field of communications.

Footnote. Article 340 as amended by the Law of the Republic of Kazakhstan dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2021 № 58-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 31. Provision and use of communications lands

1. Lands communications shall include land plots provided to the communications providers in ownership, permanent or temporary land use, as well as on the basis of the right of limited intended use of land plot (servitude) in accordance with the land legislation of the Republic of Kazakhstan.

2. Land plots for construction of buildings, structures or facilities for the departments of postal transportation at auto- and railway stations, airports, sea and river ports and wharves must be allocated in the immediate vicinity of railway stations and for construction of urban post offices and units of postal communication in the central part of the city, providing conditions for the exchange of postal items delivered by vehicles, postal cars, airplanes, sea and river vessels.

3. Sizes of land plots, as well as protective zones and grades provided to communications providers shall be determined in accordance with the norms of allotment of lands for this type of activity and project design document in the manner established by the legislation of the Republic of Kazakhstan.

4. Persons carrying out the activity in the field of communications shall have the right to lay the communications networks through the bridges, tunnels, streets, automobile and railway roads, structures, collecting canals, protective zones, forests and waters in compliance with requirements imposed by the legislation of the Republic of Kazakhstan.

5. Construction of telecommunications networks and objects on the lands of specially protected natural areas and in zones with special conditions of land use shall be carried out considering the established regime of using the lands on the mentioned lands (territories) in accordance with the land legislation of the Republic of Kazakhstan.

6. Upon completion of works on land plot, in building, structure or construction, the communications provider or building owner shall be obliged to put the land plot, building, structure or construction to initial state at their expense or compensate the owner of land plot, land user or owner of the building, structure or construction for incurred losses.

7. Upon construction of networks and objects, the communications providers shall be obliged to apply environmental technologies and upon carrying out of the activity not to allow environmental degradation. By this, the communications providers shall bear responsibility for damage inflicted to environment and environmental safety of population in the manner established by the Laws of the Republic of Kazakhstan.

8. Transfer or reconstruction of communication facilities caused by new construction, expansion, reconstruction of settlements, land development, reconstruction of reclamation systems, exploitation of minerals, shall be carried out by customers of construction at their own expense in accordance with the documents on standardization and specifications of owners and (or) users of communication networks. At the same time, an increase in the power of means of communication shall be carried out at the expense of owners of communication facilities.

9. Owner of land plot or land user shall be obliged to provide the right of limited intended use of land plot that belongs to him (her) on the basis of the right of ownership or land use to the interested communications providers.

10. Provision of rights to land plots for communications objects shall be carried out on the basis of decision of local executive bodies, buy and sell contract of land plot, rental contract of land plot, as well as under the contract on limited intended use of land plot (servitude contract).

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication).

Article 31-1. Provision of cable ducts by natural monopoly entities

Natural monopoly entities providing services for the provision of cable ducts for property lease (rent) or use, except for the activities of small business entities, shall be required to provide the regulated service in accordance with subparagraph 3) of part one of paragraph 2 of Article 26 of the Law of the Republic of Kazakhstan "On Natural Monopolies".

Footnote. Chapter 6 has been supplemented by Article 31-1 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 7. Universal communication services

Footnote. The title of Chapter 7 is in the wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 32. Universal communication services

1. Universal communication services - communication services, which are fixed in the sector of telecommunications and postal services, the provision of which to the population shall be mandatory, with established indicators of service quality by the authorized body.

2. The main criteria for providing universal communication services shall include:

2) accessibility at the place of residence, determined taking into account the category of settlement and the number of inhabitants;

3) time availability, determined taking into account the satisfaction of applications for installation of individual phones or introduction of a certain number of access lines (installation of public phones) for a specified period of time.

3. For the right to provide long-distance and (or) international telephone communication as well as cellular communication, a fee shall be paid to the republican budget for the provision of long-distance and (or) international telephone communication, as well as cellular communications in the manner determined by the tax legislation of the Republic of Kazakhstan.

4. Is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Footnote. Article 32 is in the wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 33. Universal service operator

1. Provision of universal communication services from the list of universal communication services shall be carried out by universal service operators. The universal service operator shall provide one or several universal services from the list of universal services.

2. The number of universal service operators shall be determined based on the need to provide universal communication services to all potential users.

3. The right to provide universal communication services shall be granted based on the results of a tender held among communication operators.

4. In case of absence of applications for participation in the tender or impossibility of identification of the winner, rendering separate universal communication services from the list of universal communication services shall be imposed by the authorized body on the communication operator, occupying the largest share of the market on these types of services on this territory. In this case, the operator shall have no right to refuse from the imposed obligation on provision of universal communication services.

Footnote. Article 33 is in the wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 34. Subsidizing of communication services

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

1. Universal communication services, provided in rural areas shall be subsidized services. The losses of communication operators providing universal communication services in rural areas shall be subject to subsidizing, if it was determined by the tender terms or conditions of imposing obligations on provision of universal communication services to communication operator.

Losses of communication operators providing universal communication services in the cities shall not be subject to subsidizing.

2. The amount of subsidies shall be determined by the tender terms or conditions of imposing obligations on provision of universal communication services to the communication operator, may not exceed the amount of subsidies provided in the republican budget for corresponding financial year, and shall be determined as the difference between expenditures and actual revenues from provision of unprofitable universal services.

3. Is excluded by the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

4. Communication services at agricultural and industrial facilities shall be subject to subsidies for the purpose of introducing digital technologies in the manner determined by the authorized body.

Footnote. Article 34 is in the wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Chapter 8. Rights of users of communications services Article 35. Quality of communications services

1. Telecom operators shall be obliged to provide users with communication services that meet the quality of standardization documents, technical standards, quality indicators of communication services, and the terms of the contract for the provision of communication services.

1-1. Norms ensuring technical suitability of networks and means of telecommunications, quality level of communications services, amounts of tariffication units shall be approved by the authorized body.

2. Communications services shall be rendered on equal basis to all the categories of users (population, budget organizations, and economic units) in accordance with the rules of rendering of communications services, considering the benefits and advantages in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 35 as amended by the Laws of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 06.02.2023 № 194-VII (shall be enforced from 01.04.2023).

Article 36. Protection of rights of users of communications services

1. Protection of rights of users for provision of the communications services of proper quality to them, receipt of information about such services and about their performers, as well as mechanism of realizing such rights shall be regulated by the legislation of the Republic of Kazakhstan.

1-1. Upon provision of access to intellectual services (lottery, voting, quiz program, quiz, reference and information services, dating services) by telephone communications (including cellular communications) before beginning of chargeable connection, the communications provider shall be obliged to notify the subscriber about the cost of this connection.

In case of agreement of the subscriber to telephone connection (in other words, when the subscriber does not interrupt the connection), the payment for this connection shall be determined proceeding from the length of telephone connection by number of full tariffication units multiplied by the rate.

If the subscriber is disagreed to such connection (in other words, interrupted connection after the relevant notification), the payment for organization of connection establishment shall not be charged.

In case if the communications provider did not notify the subscriber before beginning of chargeable connection about the cost of such connection, the payment for provision of access to intellectual services (lottery, voting, quiz program, quiz, reference and information services, dating services) shall not be charged.

1-2. Upon provision of access to intellectual services (lottery, voting, quiz program, quiz, reference and information services, dating services) by sending short text message, the cellular communications provider shall be obliged to notify the subscriber about the cost of such service by short text message. Payment for such service shall be charged in case of confirmation of sending such message by the subscriber, by this payment for confirmation shall not be charged from the subscriber.

If the communications provider did not notify the subscriber about the cost of short text message on provision of access to intellectual services (lottery, voting, quiz program, quiz, reference and information services, dating services), the payment for such service shall not be charged.

1-3. When providing the Internet access services, the communication operator shall be obliged to restrict access to information prohibited by the court decision that has entered into force or the laws of the Republic of Kazakhstan.

2. Communications providers shall secure secrecy of correspondence, telephone conversations, postal matters, telegraph and other messages sent through the telecommunications networks, with the exception of restriction of this right in case and in the manner established by the Laws of the Republic of Kazakhstan.

3. Communication operators of public telecommunications networks, providing local telephone services, shall have the right to provide each other on request the access to data on the users of their network in order to create reference services or publish a reference book of telephone numbers. Information shall be provided subject to the requirements of this Law and the legislation of the Republic of Kazakhstan on consumer protection.

4. Receipt of service information from the communication operator shall be allowed only with the consent of the subscriber and in the cases provided by this Law and the laws of the Republic of Kazakhstan "On operational and investigative activities", "On counterintelligence activities", "On personal data and their protection".

4-1. For illegal access to communications network, the responsibility shall be established in accordance with the Law of the Republic of Kazakhstan.

5. For violation of secrecy of correspondence, telephone conversations, postal, telegraph and other messages of the users of communications services, the providers shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

6. In existence of technical possibilities of carrying out the periodical accounting of local telephone connections by the communications provider, the user of communications services - individual shall have the right to choose the subscription, periodical or combined system of service payment.

Upon periodical system of service payment upon demand of the user, the communications provider shall be obliged to provide written information on a gratuitous basis about local telephone connections subjected to payment.

In case of non-provision of such information, the user of communications services shall have the right to make payment of communications services on the subscription system.

User of communications services - legal entity shall make payment on periodical payment system of local telephone connections. User of communications services shall have the right to establish the certified counter of telephone connections.

7. The amount and procedure for compensation of the increase in the tariffs of the subscription fee for the provision of telecommunications services to socially protected citizens shall be determined by the authorized body.

Footnote. Article 36 as amended by the Laws of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 07.12.2009 № 221-IV (the order of enforcement see Article 2); dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 22.12.2016 № 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after 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 36-1. Transfer of the subscriber number in cellular communication networks

1. Transfer of the subscriber number for the subscriber shall be carried out free of charge.

The subscriber shall have the right to keep and use the subscriber number at conclusion of a new contract for provision of cellular communication services with another cellular communication operator.

2. Operators of cellular communication shall be obliged to ensure the transfer of subscriber numbers in cellular communication networks in accordance with the legislation of the Republic of Kazakhstan in the field of communication.

3. When transferring subscribers numbers, operators of cellular communication shall interact exclusively through a centralized database of subscribers numbers.

4. The procedure of functioning of a centralized database of subscribers numbers and provision access to its resources, as well as organizational-technical interaction and mutual settlements between the participants of transfer of subscribers numbers shall be determined by the rules of transfer of subscriber number in cellular communication networks.

5. Operators of cellular communication shall be obliged to provide the operator of a centralized database of subscriber numbers the information about subscriber numbers of cellular communication, including information determined by the rules of transfer of subscriber number in the networks of cellular communication.

6. Communication operators shall independently bear all costs (for modernization of the network, information systems and software, interaction with the centralized database of

subscriber numbers) on ensuring the transfer of the subscriber number in their own networks and possibility of access to the resources of the centralized database of subscriber numbers.

7. Operators of cellular communication shall carry out payment of services of the operator of the centralized database of subscriber numbers for providing access to its resources in the manner determined by the rules of subscriber number transfer in cellular communication networks.

8. The subscriber shall submit an application on the transfer of the subscriber number to the operator of cellular communication to whose network he/ she is switching, with the subsequent conclusion of the contract.

9. Transfer of subscriber numbers in cellular communication networks shall be carried out by the operators of cellular communication on time and under the conditions that are determined by the rules of transfer of subscriber numbers in cellular networks.

10. Operators of cellular communication shall have no right to prevent the transfer of cellular communication subscribers to another cellular communication operator.

Footnote. Chapter 8 is supplemented by Article 36-1 in accordance with the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

Article 36-2. Registration of a subscriber device of cellular communication

1. Registration of a subscriber device of cellular communication for the subscriber shall be carried out on a gratuitous basis.

2. The owner of a subscriber device of cellular communication shall be obliged to register it with a cellular communication operator in accordance with the rules of registration of subscriber devices of cellular communication. Subscriber devices of cellular communication determined in accordance with the rules of registration of subscriber devices of cellular communication shall be subject to registration.

3. In order to register a subscriber device of cellular communication, its owner shall submit to the operator serving him/her the information on:

individual identification number (for an individual) or business identification number (for a legal entity);

identification code of the subscriber device of cellular communication;

subscriber number used by the subscriber device of cellular communication.

All information shall be sent free of charge by cellular communication operators to the operator of the database of identification codes of subscriber devices of cellular communication.

For registration of a subscriber device of cellular communication used by protected persons only information about the identification code of the subscriber device of cellular communication shall be provided.

4. The operator of cellular communication shall refuse to register the subscriber device of cellular communication in case of presence in the database of identification codes of

subscriber devices of cellular communication of the same identification code of the subscriber device of cellular communication, registered by other owner of the subscriber device of cellular communication or in case, if the subscriber number is registered for other owner.

5. The operator of cellular communication shall be forbidden to provide services of cellular communication on the subscriber device of cellular communication, information on which are not included in the database of identification codes of subscriber devices of cellular communication or do not correspond to the information entered in the database of identification codes of subscriber devices of cellular communication.

6. In order to inform the subscribers about the possibility to register a subscriber device of cellular communication, the operator of the database of identification codes of subscriber devices of cellular communication shall be obliged to provide free access through the Internet resource to information about the identification codes of subscriber devices cellular communication registered in the database of identification codes of subscriber devices of cellular communication.

7. Operators of cellular communication shall be obliged to provide the operator of the database of identification codes of subscriber devices of cellular communication with information about the subscriber numbers they serve, as provided for in paragraph 3 of this Article, including information about individual identification numbers (for individuals) or business identification numbers (for legal entities) of the owners of subscriber numbers. At the same time the operators of cellular communication shall bear all costs on modernization of the network, information systems and software and carry out payment of services of an operator of database of identification codes of the subscriber devices of cellular communication for providing access to the resources of database of identification codes of the subscriber devices of cellular communication in accordance with the rules of registration of subscriber devices of cellular communication.

8. The operator of the database of identification codes of subscriber devices of cellular communication shall take responsibility, established by the laws of the Republic of Kazakhstan, for illegal dissemination of information contained in the database of identification codes of subscriber devices of cellular communication.

Footnote. Chapter 8 is supplemented by Article 36-2 in accordance with the Law of the Republic of Kazakhstan dated 22.12.2016 № 28-VI (shall be enforced from 01.07.2017); as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (the order of enforcement see Article 2).

Chapter 9. Special aspects of provision of communications

services Article 37. Use of languages and alphabets in activity of communications providers

1. In the territory of the Republic of Kazakhstan, at communications networks, the service documentation of communications providers shall be carried out in Kazakh or Russian languages.

2. Addresses of the sender and receiver of telegrams and postal matters sent within the Republic of Kazakhstan shall be drawn up in Kazakh or Russian language at the will of the sender.

3. Text of telegram shall be stated in Kazakh or Russian language at the will of the sender.

3-1. Cellular communications provider shall ensure transmission of informational, short text messages in Kazakh and Russian languages.

4. International messages transferred through communications networks shall be processed in languages determined by the international treaties and agreements of the Republic of Kazakhstan.

5. Informational, reference and other data related to the communications operators' activities, as well as samples of blank products shall be placed in the state and Russian languages as required by the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan", in places accessible to communication services users.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 21.11.2008 № 89-IV (the order of enforcement see Article 2); dated 29.12.2021 № 94-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 38. Accounting and reporting time in the field of communications

1. Upon carrying out of the activity in the field of communications in technological processes of transmission or receipt of messages and information by communications providers independently from the place of their location in the territory of the Republic of Kazakhstan, the single accounting and reporting time established by the authorized body shall be applied in the territory of the Republic of Kazakhstan.

2. Communication services users shall be notified about the time of communication services provision at the location of communication services user according to the Astana time.

3. Accounting and reporting time in international communications shall be determined by the international treaties of the Republic of Kazakhstan.

Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 05.11.2022 № 157-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 39. International cooperation

1. International cooperation in the field of communications shall be carried out on the basis of international treaties.

2. In international cooperation, the authorized body within the competence as administration of communications of the Republic of Kazakhstan shall represent and protect the interests of the Republic of Kazakhstan in international unions and communications organizations.

Article 39-1. The procedure for using a subscriber number when receiving services in electronic form via a subscriber device of cellular communication

1. The subscriber shall have the right to receive services in electronic form by means of the subscriber device of cellular communication according to the legislation of the Republic of Kazakhstan.

2. In order to receive services in electronic form via a subscriber device of cellular communication, the subscriber must connect the subscriber number provided by the operator of cellular communication to the account of the "electronic government" web portal.

3. Identification of the subscriber shall be carried out by his/her subscriber number.

In cases stipulated by the legislation of the Republic of Kazakhstan, the subscriber shall use an electronic digital signature to receive services in electronic form by means of a subscriber device of cellular communication.

Footnote. Chapter 9 is supplemented by Article 39-1 in accordance with the Law of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 39-2. Provision of communication services

1. Provision of communication services on the territory of the Republic of Kazakhstan shall be carried out by residents of the Republic of Kazakhstan.

2. Organization of communication services, providing for the use of spacecraft, assignment (purpose) of frequency bands, radio frequencies (radio frequency channels), shall be carried out only upon condition of use of spacecrafts belonging to the residents of the Republic of Kazakhstan and (or) foreign legal entities, and their provision of services through branches and (or) representative offices of foreign legal entities registered in the Republic of Kazakhstan.

3. Rendering communication services for the provision of transponder capacity of spacecrafts shall be carried out ensuring redundancy at the request of the communication operator.

Footnote. Chapter 9 is supplemented by Article 39-2 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 10. Final provisions Article 40. Responsibility of providers and users of communications services

1. Communications providers shall bear property responsibility for:

1) loss, deficiency, damage (waste) of registered postal matters in accordance with the legislation of the Republic of Kazakhstan;

2) deviation of the text of telegram that changed its meaning;

3) non-delivery of telegram or handing of telegram to the addressee upon expiry of established term in the manner established by the legislation of the Republic of Kazakhstan.

Communications providers providing the communications services with the violation of the legislation of the Republic of Kazakhstan in the field of communications shall be obliged to compensate the losses caused by this violation to user of services.

1-1. Communication operators shall be liable under the laws of the Republic of Kazakhstan for violation of the obligation on collection and storage of service information.

1-2. Telecom operators shall be prohibited from providing communication services without entering information on the subscriber and (or) user of communication services into the system for collecting and storing service information.

1-3. The telecommunication operator shall identify information security incidents on its own communication network that can lead to the suspension of communication services.

1-4. The telecom operator shall restrict access to the Internet to the subscriber communication device in the order determined by the authorized body:

failure of the subscriber to eliminate information security incidents detected by the telecommunication operator, which may lead to suspension of communication services;

reporting from the National information security coordination center, the information security incident response service, the information security operations center on information security incidents that may lead to the suspension of critical information communication infrastructure.

2. Upon violation of conditions of the contract by the user of communications services, of the rules of operation of equipment, use of non-certified equipment at the telecommunications network, as well as upon untimely payment of communications services, the communications provider shall have the right to suspend the access of user to communications network upon expiry of ten days after written notification until elimination of deficiencies, with the exception of cases provided by paragraph 3 of Article 15 of this Law with compensation of loss of income by the user of communications services and harm inflicted to the communications provider due to damage or idle time of equipment, in accordance with the legislation of the Republic of Kazakhstan.

2-1. Subscribers and users of communication services shall be responsible for substitution of network addresses committed in order to conceal the facts of violation of the laws of the Republic of Kazakhstan.

2-2. The subscriber eliminates incidents detected by the telecom operator, information security incident response service and information security threats on his subscriber unit.

3. Communications provider shall not bear responsibility for non-fulfillment or improper fulfillment of obligations on transfer or receipt of messages or on transmission or delivery of postal matters, unless it is proved that such non-fulfillment or improper fulfillment of obligations occurred due to the fault of the user of communications services or due to insuperable force.

Footnote. Article 40 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 № 178-IV; dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (effective sixty calendar days after the date of its first official publication).

Article 41. Responsibility for breach of the legislation of the Republic of Kazakhstan in the field of communications

Breach of the legislation of the Republic of Kazakhstan in the field of communications shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Article 41-1. Procedure for suspending the operation of networks and (or) means of communication

1. In cases of using networks and (or) means of communication for criminal purposes that are detrimental to the interests of the individual, society and the state, as well as for the dissemination of information that violates the legislation of the Republic of Kazakhstan on elections, containing calls for extremist and terrorist activities, mass riots, as well as for participation in mass (public) events held in violation of the established procedure, promoting the sexual exploitation of minors and child pornography, for the purpose of cyberbullying against a child, containing advertising of an electronic casino, an Internet casino, as well as advertising of gambling and (or) bets organized and conducted by a person who does not have the right to engage in activities in the gambling business in the Republic of Kazakhstan, as well as for the dissemination of television and radio programs and (or) television and radio channels by a person who does not have the right to engage in activities in the field of mass media of the Republic of Kazakhstan, the Prosecutor General of the Republic of Kazakhstan or his deputies shall submit to the national security agencies of the Republic of Kazakhstan a submission on taking measures to temporarily suspend the operation of networks and (or) means of communication, the provision of communication services, or shall submit to the the authorized body in the field of mass media a submission on the elimination of violations of the law with a requirement to take measures on temporarily suspension of access to

information technology objects in the form of software and the Internet resource and (or) information posted on them, with the exception of cases provided for in paragraphs 1-2 of this Article.

1-1. In cases of dissemination via a telecommunications network of information prohibited or otherwise restricted from dissemination by judicial acts or laws of the Republic of Kazakhstan that have entered into legal force, as well as access to which has been temporarily suspended by a submission to the authorized body in the field of mass media of the Prosecutor General of the Republic of Kazakhstan or his deputies on the elimination of violations of the law, communications operators and (or) owners and (or) legal representatives of online platforms, and (or) the state technical service, upon the order of the authorized body in the field of mass media, shall be obliged to take immediate measures to restrict access to the prohibited information.

The authorized body in the field of mass media approves the rules for interaction between state bodies on issues of compliance with the requirements of the legislation of the Republic of Kazakhstan in telecommunications networks.

1-2. In urgent cases that may lead to the commission of serious and especially serious crimes, as well as crimes prepared and committed by a criminal group, the Chairman of the National Security Committee of the Republic of Kazakhstan, his deputies or heads of territorial bodies of the National Security Committee of the Republic of Kazakhstan or persons substituting them, shall have the right to suspend the operation of networks and (or) communication facilities, the provision of communication services, access to Internet resources and (or) information posted on them in the interests of all subjects of operational-search activities with subsequent notification of authorized bodies in the fields of communications, mass media and the Prosecutor General's Office of the Republic of Kazakhstan within twenty-four hours.

The procedure for suspending the operation of networks and (or) communication facilities, the provision of communication services, access to Internet resources and (or) information posted on them shall be determined by a joint regulatory legal act of the subjects of operational-search activities and authorized bodies in the fields of communications, mass media in agreement with the Prosecutor General's Office of the Republic of Kazakhstan.

1-3. The operation of networks and (or) means of communication, provision of communication services, access to Internet resources and (or) information posted on them for the purpose of accessing information prohibited by a valid court ruling or the laws of the Republic of Kazakhstan shall be prohibited.

2. The national security agencies of the Republic of Kazakhstan and (or) the authorized body in the field of mass media, within one hour of receiving the submission specified in paragraph 1 of this Article on the elimination of violations of the law, shall send to communications operators, owners and (or) legal representatives of online platforms and (or) the state technical service an order to take measures to implement it.

3. Telecom operators, owners and (or) legal representatives of online platforms and (or) state technical service:

1) after receiving from the authorized body in the field of mass media and (or) the national security agencies of the Republic of Kazakhstan an order to take measures to implement the submission or decision specified in paragraphs 1, 1-1 and 1-2 of this Article, they shall be obliged to implement it within no more than two hours by temporarily suspending the operation of networks and (or) communication facilities, the provision of communication services, access to Internet resources and (or) information posted on them, unless otherwise established by the laws of the Republic of Kazakhstan;

2) provide assistance to the national security bodies of the Republic of Kazakhstan and law enforcement bodies of the Republic of Kazakhstan in identifying the person using networks and (or) means of communication for criminal purposes, damaging the interests of the individual, society and the state, as well as for disseminating information that violates the legislation of the Republic of Kazakhstan on elections, containing calls for extremist and terrorist activities, mass riots, as well as for participation in mass (public) events held in violation of the established order.

3-1. Special state bodies of the Republic of Kazakhstan and law enforcement agencies of the Republic of Kazakhstan, within the limits of their competence, shall take operational-search, counterintelligence and criminal-procedural measures to identify and bring to justice the person who disseminated the information specified in paragraphs 1, 1-1 and 1-2 of this Article.

The authorized body in the field of mass media shall send a notification to the person who disseminated the information specified in paragraph 1 of this Article with a requirement to take measures to remove it within six hours from the moment of receipt of the notification.

4. If a person using networks and (or) means of communication for criminal purposes that harm the interests of the individual, society and the state, as well as for the dissemination of information that violates the legislation of the Republic of Kazakhstan on elections, containing calls for extremist and terrorist activities, mass riots, as well as for participation in mass (public) events held in violation of the established procedure, for the purpose of cyberbullying against a child, has deleted it, then he sends a notification about this to the authorized body in the field of mass media.

5. After receiving the notification specified in paragraph 4 of this Article and verifying its authenticity, the authorized body in the field of mass media shall instruct communications operators and (or) owners and (or) legal representatives of online platforms, and (or) the state technical service to cancel the order specified in paragraphs 1-1 and 2 of this Article and to resume access to the Internet resource in the manner determined by the authorized body in the field of mass media.

6. Communication operators and (or) owners and (or) legal representatives of online platforms, and (or) the state technical service, after receiving the instruction specified in

paragraph 5 of this Article from the authorized body in the field of mass media, shall be obliged to immediately fulfill it.

7. The authorized body in the field of mass media, the national security agencies of the Republic of Kazakhstan, law enforcement agencies of the Republic of Kazakhstan, communications operators, owners and (or) legal representatives of online platforms and the state technical service shall bear responsibility established by law for failure to comply with the procedure for suspending the operation of communications networks and (or) means of communication, as well as temporary suspension of access to Internet resources and (or) information posted on them, as specified in this Article.

Footnote. The Law as supplemented by Article 41-1 in accordance with the Law of the Republic of Kazakhstan dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.12.2016 № 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 02.07.2020 № 356-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 03.05.2022 № 118-VII (enforcement, see Art 2); dated 19.06.2024 № 94-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 42. On order of enforcement of this Law

1. This Law enters into force from the date of official publication, with the exception of paragraph 3, subparagraph 2) of paragraph 5 and subparagraph 2) of paragraph 6 of Article 26 that enter into force from 1 January 2006.

2. The Law of the Republic of Kazakhstan dated 18 May 1999 “On communications” (The Bulletin of the Parliament of the Republic of Kazakhstan, 1999, № 12, Article 396; 2001, № 24, Article 338; 2003, № 1-2, Article 10) shall be deemed to have lost force.

*The President
of the Republic of Kazakhstan*