

## **On Inland Water Transport**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 6 July 2004 № 574.

#### **Unofficial translation**

Footnote. Through the whole text the words “rules of state registration of ship and rights to it”, “rules of state registration of ships and rights to them” are supplemented respectively by the words “Rules of state registration of ship, as well as small size ship and right to it” in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

This Law regulates public relations arising between state bodies, individuals and legal entities in the scope of inland water transport upon carrying out of shipping, carriage of passengers, luggage and cargo, operation of small size ships, as well as on bodies of water that not related to inland waterways and marine waters, as well as determines their rights, obligations and responsibility.

**Footnote. The Preamble is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 1. General provisions**

### **Article 1. Basic definitions used in the Law**

The following basic definitions shall be used in the Law:

- 1) berth – hydrotechnical structure having devices for safety approach of ships and designed for safety dockage of ships, their loading, unshipping and service, as well as boarding of passengers and their unloading from the ships;
- 2) berthing – actions on approach and bracing of ship to berth, landing dock or other ship;
- 2-1) social important carriage – carriage of passengers by inland water transport in regular service satisfying necessity of population in carriage and determined by local executive bodies;
- 3) floating landing stage – berthing float intended for berthing and service of passenger or cargo ships;
- 4) average statement – calculation of losses on general accident distributed between parties participated in carriage;
- 5) average stater – persons having knowledge and experience in the scope of inland water transport, drawing up the settlement on determination of average statement;

6) coastal belt – a strip of land along the shore of water bodies with breadth of twenty metres from coastline for installation of navigation marks and equipment in compliance with environmental requirements;

6-1) registry of leased foreign ships – document in which foreign ships are registered, conforming to requirements established by paragraph 11 of Article 24 and paragraph 5 of Article 26 of this Law;

7) engineering works – dredging, corrective, trawling, draguer, prospecting and other works on arrangement and maintenance of the navigation equipment means on inland waterways;

8) a passenger – a person being in contractual relations with a carrier and mentioned in a ticket or other document confirming his (her) right to travel, or carrying out accompaniment of mechanical transport vehicle, animals and other cargo under agreement of carriage of cargo ;

8-1) passenger certificate – vessel document containing details on maximal permissible number of passengers on ship;

8-2) passenger ship – the ship designed for carriage of more than twenty passengers;

9) seaworthiness certificate – one of the main documents of the Registry of Shipping issued in accordance with the rules of Registry of Shipping;

10) a ship - an inland waterway ship, that is not a small size ship, a self-propelled or non-self-propelled floating structure, used for navigation purposes, including a river-sea navigation ship, a ferry, a technical fleet ship (dredging and bottom cleaning equipment, a floating crane and other technical structures of this kind);

11) navigable pass – water surface on inland waterways, surrounded by navigation marks pointing its way and borders within which unimpeded sailing of ships of a particular size shall be allowed;

12) ship navigation – activity linked with management of ships carrying out sailing on internal waterways;

13) a ship owner – a person operating the ship in his (her) name on the right of ownership and use in accordance with the legislation of the Republic of Kazakhstan;

13-1) ship mortgage – mortgage of the ship of inland water navigation, small size ship, river-sea-going ship being subject to the state registration, arising on the basis of agreement registered in the relevant registry;

14) ship's book – document in which small size ships and rights to them shall be registered;

15) shipping – activity linked with the use of ships for carriage of cargo, passengers and their luggage, postal matters, towage, conduct of exploration, prospecting and extraction of commercial minerals, fishing and other such like industry, construction, engineering, hydrotechnical, underwater and technical and other such like works, pilotage, rescue operations, carrying out of measures on protection of water bodies, their protection from

pollution and obstruction, lifting of sunken property, state control and supervision, conduct of scientific researches, with the exception of activity with the use of small size ships;

16) shipping lock – hydrotechnical structure for lifting or sinking of ships from one water level to another;

17) Registry of navigation – the republican state public enterprise of classification and ensuring technical safety of vessels, deck small vessels created by the decision of the Government of the Republic of Kazakhstan;

18) pilotage of ships – the activity ensuring safety passing of ships in especial difficult fields of inland waterways;

19) ship's possessor – a person registered as ship's possessor in accordance with the rules of the state registration of the ship, as well as small size ship and rights to it;

20) keel – main line element of ship passing along the bottom from bow to stern and divides it into two symmetrical parts;

21) Bill of lading is a transportation document prepared for the carriage of goods in direct water transport;

22) certification – inspection of ship for the purpose of determining its technical condition in accordance with requirements established by technical regulations and rules of the Registry of Shipping oriented to safety ensuring of sailing of ship in recognition of its designation and confirmation of the class;

23) inland waterways of the Republic of Kazakhstan (hereinafter – inland waterways) – natural or artificially created communication lines that may be used for the purpose of shipping;

24) inland water transport of the Republic of Kazakhstan (hereinafter – inland water transport) – type of transport registered in the territory of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan and carrying out shipping and other activity linked with shipping on inland waterways;

25) inspection-verification of the notified body an object of ensure compliance on the requirements of normative legal acts of the Republic of Kazakhstan aimed at ensuring safe operation;

26) hazardous cargo – a cargo which may serve as the reason for explosion, fire or damage of technical means, devices, buildings, constructions and structures, as well as death, traumatizing or disease of people, animals, inflict harm to the environment during carriage, performance of loading and unloading works and storage in virtue of properties and special aspects inherent to it;

27) marine pilot – specialist having particular knowledge and skills in the field of safety passing of ships to the place of berthing, anchoring and replacement of ships in port;

28) State registry of ships – document in which the ships and rights to them shall be registered, conforming to requirements established by paragraph 5 of Article 26 of this Law;

29) State transport control and supervision (hereinafter transport control and supervision) is a set of activities carried out by the notified body, in order to verify compliance with the requirements of individuals and legal entities of normative legal acts of the Republic of Kazakhstan;

30) navigation – time period within which shipping is allowed;

31) river-sea-going ship – the ship that is suitable and allowed in established manner to operation for the purpose of shipping on both marine and inland waterways according to its technical specifications;

31-1) deck small vessel – a small vessel having a horizontal waterproof overlap from the bow to the stern of the deck and set in the hull of the vessel, based on the sides, bulkheads and pillars;

32) port – set of structures located on land plot and aquatic area of inland waterways, prepared and equipped for the purpose of service of passengers and ships, loading, unshipping, acceptance storage and issuance of cargo, interaction with other types of transport;

33) aquatic area of port – restricted part of water surface serving for approaching and dockage of ships near berths and establishment of roadsteads on which ships and sets wait cargo-handling operations or departure in voyage, as well as where necessary operations are performed;

34) roadsteads – part of aquatic area of port beyond the boundaries of navigable pass designed for anchoring of ships, manoeuvring or transfer of cargo;

35) voyage – transport process of transporting passengers or cargo for particular time interval between geographical points or districts;

35-1) design water level – one of the low navigational levels having established amount of multiannual coverage depending on the group of waterways based on intensity of shipping, on the basis of which guaranteed gauges of navigable pass shall be established on navigable rivers;

36) rigging – set of shipboard tackles for load lifting, raising and lowering of flags and signals;

37) a carrier – a person owning ship on the right of ownership or other legal grounds, rendering services on carriage of passengers, luggage and cargo and mentioned in carriage documents;

38) perishable cargo – a cargo having limited shelf life and requiring special conditions of carriage and storage;

39) verification – action of the state bodies carrying out control and supervision functions committed for the purpose of determination of compliance with requirements of the legislation of the Republic of Kazakhstan on internal water transport by subjects of entrepreneurship;

40) 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);

41) technical supervision – an integral part of classification activity, aimed at ensuring technical safety of ships, deck small vessels, including step-by-step inspections of compliance with the legislation of the Republic of Kazakhstan on merchant shipping and on inland water transport;

42) refuge point – land plot and aquatic area of surface water body prepared and equipped for the purpose of repair, refuge in summer and winter time, technical inspection of ships, float boats and other floating objects;

42-1) registration number – number of ship, as well as small size ship that shall be assigned to it upon carrying out of the state registration;

43) authorized body – central executive body carrying out the management in the scope of inland water transport, as well as within the ambits provided by the legislation of the Republic of Kazakhstan – cross-sector coordination;

44) enterprises of authorized body – state enterprise of inland water transport, the main task of which is to carry out entrepreneurial activity for proper maintenance and development of inland waterways and navigable hydrotechnical structures (locks) for the purpose of ensuring of safety sailing of the ships within serving borders;

45) small size ship – ship with a length of no more than twenty metres with permissible number of people on board no more than twelve people, with the exception of the ships created or equipped for fishing, carriage of cargo, towage, conduct of exploration, prospecting and extraction of commercial minerals, construction, engineering, hydrotechnical and other such like works, pilotage and icebreaker assistance, as well as carrying out of measures on protection of water bodies from pollution and obstruction.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 378-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 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 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2015 № 363-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 05.05.2017 № 59-VI (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 2. Legislation of the Republic of Kazakhstan on inland water transport**

1. Legislation of the Republic of Kazakhstan in inland water transport 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 international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of international treaty shall be applied.

### **Article 3. Scope of application of the Law**

1. This Law shall apply to all individuals and legal entities carrying out the activity:

- 1) on ships;
- 2) on hydrotechnical structures located on inland waterways;
- 3) in ports located on inland waterways;
- 4) on small size ships operated on inland waterways and bodies of water not related to inland waterways and marine waters.

2. This Law shall not apply to ships, boats and other ships sailing under the flag of Naval Establishments of the Republic of Kazakhstan and Frontier Service of the National Security Committee of the Republic of Kazakhstan.

3. In cases of calling at marine port during rescue operation and upon collision of the ships of inland water navigation as well as river-sea-going ships with a marine ship, the arising relations shall be regulated by the legislation of the Republic of Kazakhstan on merchant shipping.

**Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.11.2020 № 375-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication).**

### **Article 4. Main principles of carrying out of activity in the scope of inland water transport**

Activity in the scope of inland water transport shall be carried out on the basis of the following main principles:

- 1) priority of shipping security, protection of life and health of people, environment protection and environmental safety;
- 2) equality of rights of individuals and legal entities upon performance of works and rendering of services on inland water transport;
- 3) ensuring of freedom in choosing a carrier by service receiver;
- 4) ensuring of freedom for setting prices for performance of works and rendering of services in accordance with the legislation of the Republic of Kazakhstan.

### **Article 5. Ensuring of mobilization readiness and engagement of inland water transport to liquidation of emergency situations**

1. Ensuring of mobilization readiness of inland water transport, measures on civil defence, accident rescue operations and liquidation of emergency situations of social nature shall be carried out in the manner established by the legislative acts of the Republic of Kazakhstan.

2. Upon occurrence of emergency situations of social, nature and technogenic character, as well as imposition of emergency situation, the state bodies shall have the right to engage carriers for performing the works within the competence linked with liquidation of emergency situations with the following equal compensation for expenses in the manner established by the legislation of the Republic of Kazakhstan.

**Footnote.** Article 5 is in the wording of 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).

#### **Article 5-1. Obligatoriness of representing inland water transport to law enforcement and special state bodies**

Individuals and legal entities shall be obliged to fulfill legal requirements of civil servants of law enforcement and special state bodies on use of inland water transport (except for representatives of foreign states and international organizations having diplomatic immunity) for travelling to the places of accidents, emergency situations and delivering the citizens being in need of emergency medical treatment to medical institutions.

Ship owner shall be compensated for expenses for use of transport in cases provided by this Article, as well as for inflicted harm at the expense of state budget in the manner established by civil legislation of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented by Article 5-1 in accordance with 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).

### **Chapter 2. State regulation, control and supervision in the scope of inland water transport**

**Footnote.** Title of chapter 2 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 6. Main tasks of state regulation, control and supervision in the scope of inland water transport**

**Footnote.** Title of chapter 2 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Main tasks of the state regulation, control and supervision in the scope of inland water transport are:

1) creation of conditions for ensuring of necessities of economic of the republic and population in carriage, performance of works and rendering of services on inland water transport;

1-1) safety ensuring of inland water transport and processes of its life cycle for life and health of a human and environment;

- 2) protection of rights and legal interests of individuals and legal entities, as well as national interests of the state;
- 3) protection of internal freight market on inland water transport;
- 4) the following development of infrastructure of inland water transport and inland waterways;
- 5) exercising control and supervision over inland water transport activities and navigation safety.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 7. State regulation, control and supervision in the field of inland water transport**

Footnote. Title of Article 7 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

1. State regulation, control and supervision in the scope of inland water transport shall be carried out by legal groundwork, technical regulation, control of complying with the legislation of the Republic of Kazakhstan on inland water transport.

2. State management on inland water transport shall be carried out by the President of the Republic of Kazakhstan, Government of the Republic of Kazakhstan and authorized body.

3. State control of inland water transport shall be carried out in the form of inspection, preventive control with a visit to the subject (object) of control and supervision and preventive control without a visit to the subject (object) of control and supervision.

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

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

In the course of state control the authorized body's territorial units may apply prompt response measures under this Law.

Footnote. Article 7 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 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 06.01.2011 № 378-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 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 24.05.2018 № 156-VI (shall



be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 7-1. Prompt response measures and their application procedure**

1. Prompt response measures shall be applied by employees of the authorized body's territorial units if the activity of subjects (objects) of control and supervision poses a direct threat to safe operation of vessels (including small-sized vessels), life and health of people, environment, safety of cargoes.

2. Prompt response measures shall mean methods of influencing the subjects (objects) of control and supervision, applied in the course of realization and (or) pursuant to the results of examination (inspection), preventive control with a visit to the subject of control and supervision, the types of which are stipulated by this Article.

3. Prompt response measures include suspension and prohibition of traffic (operation) of vessels (including small-sized vessels), rafts and other floating facilities in the existence of a threat to the safety of the vessel operation (including small-sized vessels), life and health of people, the environment, safety of cargoes.

4. The grounds for applying prompt response measures are violations of the requirements of the legislation of the Republic of Kazakhstan, which constitute the target of state control in accordance with Article 143 of the Entrepreneur Code of the Republic of Kazakhstan and (or) Article 17-1 of this Law.

5. Territorial units of the authorized body in the course of implementation and (or) upon state control result in case of detected violations of requirements, which are the ground for applying prompt response measures, shall draw up an act of supervision in the form approved by the authorized body.

The supervision act shall be executed and delivered to the subject of control and supervision in accordance with Article 153 of the Entrepreneur Code of the Republic of Kazakhstan.

6. In the event of refusal to accept a supervision act upon its personal delivery, a corresponding entry shall be made in it and a video shall be made to record the fact of refusal to accept the supervision act.

The supervision act shall be sent to the legal address, location or actual address of the subject of control and supervision by a letter with notification of its delivery.

7. Refusal to receive a supervisory act shall not be a ground for its non-execution.

8. Breaches of requirements revealed in the course of implementation and (or) upon the state control results, which constitute grounds for prompt response measures, shall be reflected in the act on the results of preventive control with a visit to the subject (object) of control and supervision and (or) act of inspection of the vessel (small vessel), as well as in the instruction to rectify the breaches of the legislation of the Republic of Kazakhstan on inland water transport.

9. The subject of control and supervision shall be obliged to rectify revealed violations of the requirements, which are the ground for a prompt response measure, within the terms specified in the instruction on rectifying violations of the legislation of the Republic of Kazakhstan in inland water transport.

10. Upon the elapsed term for rectifying the requirements revealed by the of preventive control results with a visit to the subject (object) of control and supervision and (or) inspection of the vessel (small-sized vessel), an unscheduled inspection (examination) shall be conducted to control the elimination of the revealed violations of requirements, which are the ground for a prompt response measure.

The supervision act shall be terminated if the authorized body's territorial unit confirms rectification of the revealed violations of the requirements that are the ground for applying prompt response measures, on the basis of the act on the results of unscheduled inspection (examination) under subparagraph 2-1) of paragraph 5 of Article 144, paragraph 5 of the Entrepreneur Code of the Republic of Kazakhstan.

11. In case of failure to rectify the revealed violations of requirements, which are the ground for applying prompt response measures, based on the results of an unscheduled inspection (examination), measures shall be taken to bring the persons who committed violations to liability as prescribed by the laws of the Republic of Kazakhstan.

12. Before expiry of the term contained in the instruction to rectify violations of the legislation of the Republic of Kazakhstan in inland water transport, the subject of control and supervision shall be obliged to provide information on elimination of revealed violations of requirements with attached documents (if necessary) proving the fact of the eliminated violation.

In case of provided information referred to in part one of this paragraph, an unscheduled inspection (examination) shall be conducted in accordance with part two of paragraph 10 of this Article.

13. If the subject of control and supervision has objections to the state control results, which entailed prompt response measures, it may file a complaint seeking to invalidate the act of supervision and to revoke it.

The complaint shall be filed with a higher state body as prescribed by Chapter 29 of the Entrepreneur Code of the Republic of Kazakhstan, or with the court in the procedure prescribed by the legislation of the Republic of Kazakhstan.

Filing of a complaint shall not suspend the execution of the supervision act.

14. The grounds for invalidating a supervision act and its revocation shall be:

- 1) absence of grounds for applying prompt response measures;
- 2) application of an operational response measure on the grounds that do not correspond to this measure;
- 3) application of prompt response measures by the authorized body's territorial units on matters that are outside their competence.

15. Information on applying prompt response measures shall be sent to the state body, engaged within its competence in state legal statistics and special records, in the order determined by the General Prosecutor's Office of the Republic of Kazakhstan.

Footnote. Chapter 2 has been supplemented with Article 7-1 in pursuance of the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 8. Competence of the Government of the Republic of Kazakhstan**

The competence of the Government of the Republic of Kazakhstan shall include:

1) development of principal directions of state policy in the scope of inland water transport;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

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

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

5) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

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

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

8) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

9) 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);

10) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

11) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

12) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

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

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

15) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

15-1) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

16) - 28-1) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

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

Footnote. Article 8 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (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 06.01.2011 № 379-IV (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 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first 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. Competence of authorized body and its territorial subdivisions**

1. Competence of authorized body shall include:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

1-1) formation and implementation of state policy in the field of inland water transport;

1-2) making decisions on the prohibition of transit passenger traffic across the territory of the Republic of Kazakhstan;

1-3) making decisions on prohibitions on the import, export, transit of baggage and cargo on the territory (from the territory) of the Republic of Kazakhstan;

2) organization of safety ensuring of shipping, control and supervision of complying with legislative acts of the Republic of Kazakhstan and other regulatory legal acts determining procedure for functioning of inland water transport by individuals and legal entities;

2-1) determination of the list of requirements from among those included in the checklist, violation of which entails prompt response measures, also determination of a specific type of prompt response measure to the specific violations, indicating duration of this measure (if necessary).

The list of requirements, violation of which entails prompt response measures, shall include requirements that are subject to state control under Article 143 of the Entrepreneur Code of the Republic of Kazakhstan;

- 3) ensuring of inland waterways in navigable condition and maintenance of locks;
- 4) development of technical regulations in the scope of inland water transport;
  - 4-1) consideration of draft documents on standardization within the competence, as well as preparation of proposals for the development, introduction of amendments, revision and cancellation of national, interstate standards, national classifiers of technical and economic information and recommendations on standardization for submission to the authorized body in the field of standardization;
- 5) approval of the form of the State registry of ships, Registry of leased foreign ships and ship's book;
- 6) taking decision on provision of the right of sailing under the State flag of the Republic of Kazakhstan and temporary transfer of the ship under the flag of foreign state;
- 7) excluded by the law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).
- 8) approval of provision on pilotage service;
- 9) approval of the list of the fields of inland waterways, types and sizes of ships being subject to compulsory pilotage;
- 10) approval of the Rules of classifying the inland and mixed river-sea-going ships;
- 11) ensuring of carrying out of technical certification of ships;
  - 11-1) conducting investigations, classification and accounting of transport incidents with vessels, including small size vessels, according to the rules approved by authorized body;
- 12) approval of the Rules of certifying ships in operation;
- 13) approval of the Rules of technical supervision of constructing the ships and manufacturing of materials and products;
- 14) approval of the Rules of passing the ships through navigation locks;
- 15) approval of the Rules of repairing the ships;
- 16) approval of the list of positions (professions) of the staff of state control and supervision and the staff of inland water transport who have the right to wear uniforms (without shoulder straps), samples of uniforms (without shoulder straps) and insignia, and also the order of wearing them;
- 17) approval of the Rules of constructing the mixed river-sea-going ships;
- 18) approval of the Rules of constructing the ships of inland and mixed river-sea-going ships with the use of elements of operated ships;
- 19) approval of the Rules on updating of the ships of inland water navigation and mixed river-sea-going ships;
- 20) 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);
- 21) approval of the Rules on updating of industrial ships;
- 22) approval of the Rules of constructing the ships of inland navigation;

23) participation in carrying out of international cooperation in the scope of inland water transport and representing the interests of the Republic of Kazakhstan in international organizations within the competence;

24) development of drafts of regulatory legal acts regulating relations arising in the scope of inland water transport;

25) determination of procedure and terms for lifting of sunken property;

26) is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012);

26-1) approval of the form of diploma for the persons of command personnel of the ships;

26-2) approval of the Rules of planning and conducting engineering works on safety ensuring of shipping on inland waterways;

26-3) approval of the forms and terms, as well as procedure for drawing up of reporting on sailing of ships on navigable waterways in coordination with authorized body in the field of state statistics;

26-4) drawing up of reporting on navigation of ships on navigable waterways;

26-5) approval of the Rules in the field of safety and protection of labour on the ships of inland water transport in coordination with authorized state body on labour;

26-6) approval of service regulations of internal waterways;

26-7) approval of rules of the state filing of the vessel, including small size vessel, and rights for it;

26-8) approval of the list of obligatory services of port;

26-9) definition of an order of use of a shore;

26-10) definition of a procedure of pilot pilotage;

26-11) approval of the rules for certification and assessment of ship officers subject to state registration in the State vessels register of the Republic of Kazakhstan;

26-12) the approval of the list of the dangerous freights intended for transportation by vessels;

26-13) approval of rules of transportation of dangerous freights;

26-14) the approval of technical regulations in the sphere of the inland water transport;

26-15) establishment of requirements to the minimum structure of crews of vessel;

26-16) the approval of rules of calling of vessels port and their exit from port, navigation of vessels within the water area of port and the parking in port;

26-17) definition of an order of the device of temporary devices and fused constructions for mooring, moorings and parking of vessels, rafts and other floating objects, landings to vessels and disembarkation from vessels of passengers, loadings, unloadings and storages of freights;

26-18) the approval of rules of transportations of passengers, baggage and freights on the inland water transport;

- 26-19) the approval of rules of conducting investigations, classification and accounting of transport incidents with vessels, including small size vessels, on internal waterways;
- 26-20) approval of rules of technical operation of vessels of internal water swimming;
- 26-21) the approval of rules of certification of boatmasters on the right of control of the small size vessel;
- 26-22) the approval of instructions for use small size vessels and bases (constructions) for their parking;
- 26-23) the approval of rules of swimming on internal waterways;
- 26-24) the adoption of the charter of service on vessels;
- 26-25) approval of rules of towage of vessels, rafts and other floating objects;
- 26-26) approval of rules of technical operation, inspection and repair of navigable hydraulic engineering constructions (locks);
- 26-27) a statement in coordination with the central authorized body on budget planning of natural norms of providing the workers of the state supervision having the right of wearing a uniform (without shoulder strap);
- 26-28) approval of the rules for carrying out technical supervision of small deck vessels;
- 26-29) the approval of Rules of subsidizing at the expense of budgetary funds of losses of carriers, the bound to exercise of socially important transportations of passengers;
- 26-30) the approval of the list of water basins depending on the category of navigation areas of small size vessels;
- 26-31) approval of norms for consumption of fuel and lubricants (in kind) by the ships of the state technical fleet;
- 26-32) approval of the methodology for determining the cost of lifting sunken property;
- 26-33) development and approval of a methodology for determining the volume and cost of work and services provided by the enterprise of the authorized body;
- 27) carrying out of other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.
2. Competence of territorial subdivisions if authorized body (hereinafter – territorial subdivision) shall include:
- 1) carrying out of inspection of ships, float boats and other floating objects and structures located on local waterways for their complying with requirements of safety ensuring of operation;
  - 2) state registration of ships, as well as small size ships, rights to them, issuance of the relevant vessel documents, maintenance of the state registry of ships, ship's book and registry of leased foreign ships;
  - 3) detention of vessels (including small vessels), rafts and other floating facilities that do not meet the navigation safety requirements;

4) suspension and prohibition of traffic of vessels (including small vessels), rafts and other floating facilities in the existence of a threat to the safety of navigation, life and health of people, safety of cargo;

5) carrying out of control and supervision within the competence of complying with requirements of international treaties, the participant of which is the Republic of Kazakhstan;

6) supervision of condition of inland waterways;

7) 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) carrying out of other measures oriented to safety ensuring of shipping on inland waterways;

9) control and supervision of complying with the rules of sailing on inland waterways by individuals and legal entities;

10) 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);

11) certification of the persons of command personnel of the ships being subject to state registration in the State registry of ships of the Republic of Kazakhstan;

11-1) attestation of vessel's command staff, conducted in accordance with the rules of certification of command staff of vessels subject to state registration in the State Ship Register of the Republic of Kazakhstan;

12) 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);

13) rendering of prescriptions on elimination of violations of the legislation of the Republic of Kazakhstan on inland water transport;

13-1) the notification of authorized body about transport incident, collecting necessary information and proofs for conducting investigations, classification and accounting of transport incidents with vessels, including small size vessels;

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

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (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 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); 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 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-



V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 05.05.2017 № 59-V (shall be enforced on the expiry of ten calendar days after the date of its first 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 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date 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); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 9-1. Competence of local executive bodies**

Within the competence of local executive bodies:

- 1) course accounting on training of boatmasters of small size vessels;
- 2) certification on the control right of self-propelled small size vessels.

Footnote. Chapter 2 is added by the article 9-1 in the accordance with the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication).

#### **Article 10. Licensing**

Footnote. Article 10 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).

### **Chapter 3. Inland waterways**

#### **Article 11. general provisions**

1. Inland waterways and navigable hydrotechnical structures located on them used for shipping, and locks shall be in the ownership of the state and shall not be subject to alienation

Navigable waterways are inland waterways opened for shipping. List of navigable waterways shall be established in accordance with water legislation of the Republic of Kazakhstan.

2. Navigable hydrographical ensuring of conditions for sailing of ships on inland waterways shall be carried out by authorized body with the exception of fields of the frontier zone of the Republic of Kazakhstan.

3. Navigable hydrographical ensuring of conditions for sailing of ships on inland waterways in the fields of frontier zones of the Republic of Kazakhstan shall be regulated by international treaties of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.03.2011 № 414-IV (shall be enforced from the date of its first official publication).

## **Article 12. Maintenance of inland waterways**

1. Track works, including works on arrangement and maintenance of roadsteads in state-owned ports, and approaches to the berths of these ports, also maintenance of navigable hydraulic structures (locks) and organization by the carrier of technological communication shall be performed by enterprises of the authorized body, with the exception of the navigable section of the Yesil River within the administrative-territorial border of the capital.

2. Conduct of engineering works on approach to the ports (not mentioned in paragraph 1 of this Article), as well as in refuge points shall be carried out in compulsory manner by their owners.

2-1. Ensuring of conducting engineering works on navigable reach of Esil river within administrative territorial border of the capital shall be carried out by akimat of the capital.

3. Works on the maintenance of inland waterways and navigable hydraulic structures (locks) on them shall be carried out without special permits for carrying out track works.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 13. Use of aquatic area, coastal belt on internal waterways and land plots**

1. Coastal belt of land shall be provided in permanent land use on a gratuitous basis for the works linked with ensuring of inland waterways in navigable condition within inland waterways located beyond the territories of city inhabited localities.

2. Enterprises of authorized body shall have the right to:

1) use coastal belt for conduct of works on ensuring of shipping and building up of constructions and structures for these purposes;

2) establish means of navigation equipment on coastal belt of inland waterways;

3) cut down trees and shrubs growing on the coastline and beyond its boundaries to ensure the safety of navigation, including for the visibility of navigation equipment, installation of coastal navigation equipment and laying of clearings to ensure their visibility, also for geodetic surveying of riverbed sections;

4) use bottom, stone, gravel, trees and bushes being within coastal belt for performance of works mentioned in this paragraph.

3. 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).

4. Persons using coastal belt of inland waterways for performance of temporary works shall be obliged to clear the coastal belt and develop it after their completion.

5. Installation of any steady lights directed to the side of navigable pass shall be prohibited on coastal belt of inland waterways, with the exception of navigation lights.

Installation of temporary lights shall be carried out upon condition of fencing of such lights from the side of navigable passes.

6. Use of coastal belt for carrying out of economic and other activity shall not be allowed, if such activity is incompatible with safety ensuring of shipping.

7. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012).

8. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012).

9. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012).

10. Coastal belt and field of allied aquatic area intended for refuge, repair of ships of enterprises of authorized body shall be in use of the enterprises of authorized body.

11. Use of coastal belt of inland waterways in the fields of frontier zones of the Republic of Kazakhstan shall be carried out in accordance with the legislation of the Republic of Kazakhstan and in coordination with the Frontier Service of the National Security Committee of the Republic of Kazakhstan.

12. Leaving of uncared ships, constructions and structures having adverse effect on condition of inland waterways and coastal belts and (or) hindering their use shall be prohibited in aquatic area and on coastal belt within inland waterways.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); 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 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 14. Construction and operation of the structures on inland waterways**

1. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012).

2. Owners of the structures on inland waterways (as well as structures under construction) shall be obliged to establish means of navigation equipment at their expense, as well as floating and other equipment, as well as ensure their functioning for the purpose of safety of shipping in accordance with requirements of technical regulations in the scope of inland water transport.

3. Owners of bridges and other hydrotechnical structures, operated, as well as built up on inland waterways shall be obliged to:

- 1) ensure unimpeded and safety passing of ships, float boats and other floating objects;
- 2) perform dredging and dragger works for their approach at own expense;
- 3) produce, establish and maintain the structures and appliances required for safety approach of the ships;
- 4) draw and raise spans of lifting bridges.

4. Owners of hydroelectric power stations and other elevated hydrotechnical structures regulating the water level on inland waterways, shall be obliged to maintain the water level required for unimpeded and safety shipping in the fields that higher or lower of such structures.

5. Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012).

6. Guaranteed depth in rivers used for shipping and located in the territories of several states shall be established in accordance with international treaties of the Republic of Kazakhstan.

Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 15.07.2011 № 461-IV ( shall be enforced from 30.01.2012).

## **Chapter 4. Safety of shipping**

### **Article 15. General provisions**

1. Preparation of ship for sailing, conforming to the safety requirements of shipping is the obligation of a ship's possessor and (or) ship owner.

Ship shall be allowed for sailing in cases if:

1) it conforms to safety ensuring requirements in the scope of inland water transport, as well as environment and fire security, sanitary and epidemiological rules and regulations established by the legislation of the Republic of Kazakhstan;

2) numbers of ship crew on the date of its putting to navigation is no less than established requirements on minimal composition of the ship crew.

2. Ship's possessor and (or) ship owner shall be obliged to:

1) ensure safety operation of ships;

2) appoint a person liable for safety operation of ships;

3) improve the skills of crew members on a permanent basis, other employees in accordance with safety requirements of shipping;

4) ensure staffing of ship crew and maintain the ships in technically sound state in accordance with safety requirements of shipping established by this Law.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

4. For safety ensuring of the shipping, the enterprises of authorized body shall be obliged to carry out:

1) maintenance of inland waterways in accordance with the state assignment on the program of keeping waterways and navigable hydraulic structures (locks) in a navigable condition and maintenance of locks.

Upon lowering of water level below projecting and determination by authorized body of inexpediency of the following conducting the dredging works entailing slump of river bed, the enterprises of authorized body shall be released from the obligation on ensuring of guaranteed sizes of navigable pass;

2) pass of ships, float boats and other floating objects through the locks and channels, and by this the measures shall be carried out at the expense of a carrier.

4-1. Navigation of ships, except for the ships of enterprises of the authorized body, regardless of affiliation and nationality, on navigable waterways, that are not equipped with navigation aids shall be prohibited (before opening and after closing navigation).

A one-time passage of ships to the place of storage on separate sections of inland waterways, where navigation aids have been removed due to the end of the navigation period, shall be allowed in agreement with the territorial subdivision and enterprise of the authorized body.

5. Owners of hydrotechnical and other structures located on inland waters shall be obliged to inform territorial subdivisions in due time on occurrence of situations threatening the safety of shipping for taking the relevant measures.

5-1. Owners of navigable hydrotechnical structures (locks) shall be obliged to comply with the Rules of technical operation, inspection and repair of navigable hydrotechnical structures (locks).

Safety criteria of navigable hydrotechnical structures (locks) shall be determined in the manner established by the Rules of technical operation, inspection and repair of navigable hydrotechnical structures (locks).

5-2. On shipping locks it is mandatory to have irreducible stocks of materials and equipment necessary for urgent emergency recovery works and prevention of an emergency at the locks.

The list of irreducible stocks of materials and equipment, the procedure for their use and storage for each shipping lock shall be determined by the authorized body.

6. For the purpose of safety shipping, the territorial subdivisions shall have the right to hold an inspection of sea-going ship sailing under the State flag of the Republic of Kazakhstan, or ship sailing under the flag of foreign state, upon the approach on inland waterways on equal grounds with the ships sailing on inland waterways.

7. Individuals and legal entities carrying out the activity on output of ship construction and repair of ships, shall have a document of conformity issued by the Registry of Shipping.

**Footnote. Article 15 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (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**

04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.01.2022 № 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

**Article 15-1. Technical regulation and standardization in the sphere of inland water transport**

Footnote. Article 15-1 is in the wording of the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-IV (shall be enforced on the expiry of ten calendar days after the date of its first publication).

1. Individuals and legal entities carrying out the activity in the scope of inland water transport shall be obliged to ensure safety conditions for life and health of a human, travel of passengers, as well as compliance with safety requirements of shipping.

2. Safety of shipping shall be ensured by performance of a set of organizational and technical measures oriented to protection of life and health of a human, environmental protection, creation of conditions of accident-free operation in the scope of inland water transport, maintenance of inland waterways in navigable state, in technically suitable state of ships, ports, coastal objects and structures on inland waterways in technically suitable state, as well as prevention of accidents with ships.

The objects of technical regulation and standardization shall be:

- 1) ships of inland water transport, ports, coastal objects and structures on inland waterways;
- 2) production (construction, repair, modernization) of ships of inland water transport, ports, coastal objects and structures on inland waterways;
- 3) operation of ships of inland water transport, ports, coastal objects and structures on inland waterways;
- 4) storage of ships of inland water transport;
- 5) transportation and towage of ships of inland water transport;
- 6) destruction and utilization of ships of inland water transport.

Footnote. Article 15-1 is supplemented by the Law of the Republic of Kazakhstan dated 29 December 2006 № 209 (the order of enforcement see Article 2); dated 05.10.2018 № 184-IV (shall be enforced on the expiry of ten calendar days after the date of its first publication);

**Article 15-2. Safety requirements to ships of inland water transport, ports, coastal objects and structures on inland waterways**

Footnote. Article 15-2 is supplemented by the Law of the Republic of Kazakhstan dated 29.12. 2006 № 209 (the order of enforcement see Article 2); is excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

### **Article 15-3. Safety requirements upon production (construction, repair, reconstruction) of ships of inland water transport, ports, coastal objects and structures on inland waterways**

1. Upon production (construction, repair, reconstruction) of ships of inland water transport, ports, coastal objects and structures on inland waterways, it is necessary to ensure conformity of design documentation to requirements and legislation of the Republic of Kazakhstan on inland water transport.

2. Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

3. If carrying out of tests is required for safety ensuring in the process or after production of ships of inland water transport, ports, coastal objects and structures on inland waterways, they shall be carried out in full measure with performance of all requirements of design documentation.

4. Each ship shall be marked by registration number on hull. Marking shall be visible, readable and indelible.

5. Ship shall be developed to the intent that to minimize a risk of falling overboard and ensure rescuing people fallen overboard.

6. Place of main rudder control shall ensure all-round view.

7. Ship shall be supplied by operation instructions in which special attention shall be given to the risk of fire and overflowing.

Footnote. The Law is supplemented by Article 15-3 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

### **Article 15-4. Safety requirements upon operation of ships of inland water transport, ports, coastal objects and structures on inland waterways**

1. Ships of inland water navigation, ports, coastal objects and structures on inland waterways linked with process of shipping are the hazard zones and shall conform to requirements of the legislation of the Republic of Kazakhstan on inland water transport.

2. Excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

3. Deck small vessels subject to state registration in the ship's book must comply with the requirements of the rules of technical supervision over deck small vessels.

4. 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).

5. Use of ships being subject to state registration in ship's book, and bases (structures) for their dockage shall be carried out in accordance with the Rules of using small size ships and bases (structures) for their dockage.

6. The navigators of self-propelled ships, subject to state registration in the ship's book, must undergo training under the training program for navigators and have a certificate for the right to operate a self-propelled small size ship.

Issuance of a certificate for the right to operate a small size ship, approval of a training program for the navigators and registration of courses for training the navigators of small size ships shall be carried out by local executive bodies in accordance with the Rules for attestation of the navigators for the right to operate a small size ship.

Organizations, when opening courses for training of the navigators of small size ships, shall send a notification to the local executive body about the beginning of activities with attachment of:

1) copies of diplomas of higher or secondary technical education on the specialty of water transport for the teaching staff;

2) a curriculum for training of the navigators of small size ships, developed on the basis of a typical training program for the navigators of small size ships, in accordance with the rules for attestation of the navigators for the right to operate a small size ship;

3) copies of a document, confirming availability of a premise on the basis of ownership or rented for organization of the educational process.

A notification about the beginning or termination of the activities for the training of the navigators of small size ships shall be submitted in the manner, established by the Law of the Republic of Kazakhstan "On Permits and Notifications".

Organizations, that have opened the courses for training of the navigators of small size ships shall be obliged to send the lists of persons, who have successfully completed training under the training program for the navigators of small size boats to the local executive body. The procedure for providing information about the persons, who have undergone training shall be determined by the Rules for attestation of navigators for the right to operate a small size ship.

Footnote. The Law is supplemented by Article 15-4 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Article 2); is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended 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); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 05.05.2017 № 59-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

**Article 16. Classification and ensuring of technical safety of ships**



1. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication).

2. Vessels of inland water navigation, "river-sea" sailing vessels and deck small vessels shall be subject to classification, technical supervision and certification.

3. Registry of shipping for ensuring of technical safety of ships shall carry out certification of ships on a gratuitous basis.

By this, repeated certification due to the fault of ship owner, unscheduled certification shall be carried out at the expense of the ship owner.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced from 08.07.2011); as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 17. Control and supervision in the field of inland water transport**

Footnote. Title of Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Control and supervision in the field of inland water transport shall be carried out by territorial subdivisions by:

1) Excluded by the law of the Republic of Kazakhstan dated 05.05.2017 № 59-VI (shall be enforced on the expiry of ten calendar days after the date of its first publication);

2) control and supervision of proper maintenance of navigable waterways and means of navigation equipment;

3) conduct of inspection of ships (as well as small size ships), float boats and other floating objects and structures located on inland waterways for their compliance with requirements of safety ensuring of operating the ships;

4) detention of ships (as well as small size ships), float boats and other floating objects not conforming to requirements of safety ensuring of operating the ships;

5) suspension and prohibition of movements of ships (as well as small size ships), float boats and other floating objects in existence of security threat of operating the ships, life and health of people, preservation of cargo;

6) control and supervision of performing the requirements of safety ensuring of operating the ships by ship owners, crew members, individuals and legal entities carrying out shipping on inland waterways in accordance with the legislation of the Republic of Kazakhstan on inland water transport;

7) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication);

8) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication);

9) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication);

10) issuance of prescriptions on elimination of detected violations of the legislation of the Republic of Kazakhstan determining the functioning of inland water transport (as well as small size ships);

11) is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461-IV (shall be enforced from 30.01.2012).

12) 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);

13) 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);

14) 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);

15) carrying out of control and supervision within the competence of complying with requirements of international treaties, the participant of which is the Republic of Kazakhstan;

16) 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);

17) re-registration of small size ships in case of changes due to re-equipment of technical data of the ship;

18) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

19) excluded by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);

20) 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);

21) engagement of the relevant specialists for participating in expert advices on the issues of small size ships;

22) removal of navigators being in state of alcohol, drug and substance intoxication from controlling small size ships, and their referral to medical certification;

23) carrying out proceeding on the case on administrative infractions in accordance with the legislation of the Republic of Kazakhstan on administrative infractions;

24) is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 31.01.2006 № 125; as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 № 320 (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 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); 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 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 05.05.2017 № 59-VI (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

### **Article 17-1. Conducting inspections of ships (including small size ones) by territorial subdivisions**

**Footnote.** The heading of Article 17-1 is in the wording of the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication)

1. Inspections of ships (including small size ones) shall be conducted in order to identify the compliance of a ship (including a small size one) (regardless of the place of its state registration), the crew with the requirements of the legislation of the Republic of Kazakhstan regulating the safe operation of ships (including small size ones). Inspections of ships (including small size ones) can be conducted both at the anchorage and on the move in the presence of the captain or the first navigator (a senior assistant captain) and the navigator of small size ships.

Inspection of ships of inland waterway navigation and small size ships shall be conducted after the inter-navigation period, and the ships of "river-sea" navigation - after operation at the sea when entering inland waterways.

Control inspections of ships (including small size ones) shall be conducted out during the navigation period no more than once every two months or when a transport accident occurs, as well as in the event of an administrative offense.

2. Upon inspection of self-propelled ships, it shall be subject to verification:

1) vessel documents (existence, validity terms, procedure for their keeping) mentioned in Article 23 of this Law;

2) personnel list and order (or another document) of ship owner on operating regime of ship and work of crew team;

3) navigation maps of inland waterways;

4) internal ship documentation on organization of watch keeper, navigational, general ship rescue service of people (existence, quality of keeping):

watch crews schedule;

schedule on alerts and individual record of crew members;

weather forecast journal book (file);

journal book (file) of travelling information and notifying to navigators;

5) existence and state of the State flag of the Republic of Kazakhstan, name (number) of ship and registration numbers on shipboards, load mark on hull;

6) conformance of ship (personnel) to category and conditions of a sailing district, typical schemes of formatting the personnel and sizes of way;

7) compliance with regulations of passenger capacity and cargo carrying capacity, elevation of the quarter deck (on load mark), ensuring of a view from the ship-handling station;

8) existence and action of light and audio alarm;

9) existence and action of navigable, navigational and electric radio navigational devices according to regulations of river shipping;

10) compliance of number of collective and individual life saving equipment, pyrotechnics, emergency supply, correctness of their marking, placement and storage with regulations of registry of shipping;

11) manning of crew team in accordance with personnel list and requirements to minimal composition of ship crews;

12) existence of diplomas for the right of engagement in the relevant positions, certificates on attestations of command personnel;

13) compliance of typical schemes of formatting the personnel, regulations of passenger capacity and cargo carrying capacity, restrictions on district and sailing conditions and other requirements mentioned in registry documents, regime of watch keeping, periodicity of conducting training alerts and trainings according to actions upon failure of steering arrangement in current and previous voyages (according to records in official log);

14) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication);

15) performance of prescriptions of employees of territorial subdivisions in current navigation.

2-1. Upon inspection of non-propelled ships) not having mechanical setup for independent movement), it shall be subject to verification;

1) vessel documents (existence, validity terms, procedure for their keeping) mentioned in Article 23 of this Law;

2) existence of name (number) of ship and registration numbers on shipboards, load mark on hull;

3) conformance of ship (personnel) to category and conditions of a sailing district, typical schemes of formatting the personnel and sizes of way;

4) compliance with regulations of passenger capacity and cargo carrying capacity, elevation of the quarter deck (on load mark);

5) performance of prescriptions of employees of territorial subdivisions in current navigation.

3. On the vessel inspection results, an employee of the territorial unit shall draw up an act of vessel inspection indicating the name (number) and registration number of the vessel, vessel owner, date of inspection. In case of revealed violations of the legislation of the Republic of Kazakhstan on inland water transport, an employee of the territorial unit shall issue an order with the list of revealed violations and deadlines for their rectification. In the absence of ship's documents and in cases threatening the safety of navigation, the employee of the territorial unit shall take prompt response measures provided for by paragraph 3 of Article 7-1 of this Law.

When applying the prompt response measure, a supervision act shall be drawn up, the form of which shall be determined by the authorized body, with indication of duration of this measure (if necessary).

Act of inspecting ship and prescription shall be drawn up in duplicate and signed by an employee of territorial subdivision and captain (chief navigation officer or first officer). In case of refusal of a captain (chief navigation officer or first officer) from signing, the record with specification of submitted motives for refusal shall be made in the act of inspecting ship or prescription.

First copy of act of inspecting ship and prescription shall be kept on the ship, the second – in territorial subdivision in ship case.

The supervision act of shall be drawn up in two copies, signed by an employee of the territorial unit and the captain (first navigator or chief mate). In case the captain (first navigator or chief mate) refuses to sign, a note shall be made in the supervision report indicating the stated reasons for refusal.

The first copy of the supervision report shall be kept on the ship, the second copy - in the territorial unit in the ship's file.

Employees of the territorial unit, who performed the inspection of the vessel, shall be responsible for the accuracy of the records in the act of inspection of the vessel, the instruction and the supervision act.

4. When inspecting small size ships, the following shall be subject to inspection:

- 1) a ship's ticket;
- 2) a certificate for the right to operate a self-propelled small size ship;
- 3) passing the technical examination;
- 4) compliance with the norms of passenger capacity and carrying capacity, restrictions on the area and navigation conditions, the correct placement of passengers and cargo on a small size ship;
- 5) availability of rescue, fire-fighting and drainage means;
- 6) presence of a registration number on the sides;
- 7) absence of through holes in the ship's hull, regardless of their location, absence or depressurization of pressurized compartments and (or) air boxes of the ship;

8) presence of the steering device mounting parts provided for by the design or damage to its component parts, failure to ensure the reliability of its operation;

9) no fuel leaks, vibration, presence and serviceability of a muffler, damage to the engine remote control system, failure to ensure reliable switching on (off) of the reverse gear, malfunction of the engine (motor) start blocking when the reverse is on;

10) compliance of the ship's configuration and equipment with the ship's type;

11) availability, serviceability or conformity of distinctive lights;

12) operation of the ship in the basins (areas) corresponding to the established class of the ship;

13) availability and serviceability of steering, signal, anchor and mooring devices;

14) compliance with the maximum power of the installed engine.

5. On the inspection results of a small-sized vessel, an official of the territorial unit shall draw up an act of inspection of a small-sized vessel with indication of the name (number) and registration number of the small-sized vessel, vessel owner (vessel navigator), date of inspection. In case of detected violations of the legislation of the Republic of Kazakhstan regulating safe operation of vessels (including small-sized vessels), the official of the territorial unit shall issue an instruction specifying the list of detected violations and time for their elimination. In the absence of ship documents and in cases threatening the safety of navigation, an employee of the territorial unit shall take prompt response measures provided for by paragraph 3 of Article 7-1 of this Law.

In the event of applied prompt response measure, a supervision act shall be drawn up, the form of which shall be determined by the authorized body, indicating the duration of this measure (if necessary).

The inspection act of a small size ship and the order shall be drawn up in the forms, approved by the authorized body, in two copies and signed by an official of the territorial subdivision and the navigator. If the navigator refuses to sign in the act of inspection of a small size ship or in the order, a note shall be made indicating the stated reasons for the refusal.

The first copy of the inspection act of a small size ship and the order shall be kept by the ship's owner, the second one - in the territorial subdivision.

The supervision act shall be drawn up in two copies, signed by an employee of the territorial unit and the vessel navigator. If the vessel navigator refuses to sign, a note shall be made in the supervision act, indicating the stated reasons for refusal.

The first copy of the supervision act shall be kept by the vessel owner, the second copy - in the territorial unit.

Employees of the territorial unit, who performed the inspection of a small-sized vessel, shall be responsible for the accuracy of entries in the small-sized vessel inspection report, instruction and supervision act.

Footnote. The Law shall be supplemented by Article 17-1 in accordance with the Law of the Republic of Kazakhstan dated 31 January 2006 № 125; as amended by the Laws 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 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

**Article 17-2. Procedure for conducting preventive control without visiting the subject (object) of control and supervision**

Footnote. The Title of Article 17-2 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

1. Preventive control without visiting the subject (object) of control and supervision shall be carried out by the authorized body basing on analysis of data from information systems, as well as other information on the activities of the subject (object) of control and supervision.

2. The subjects of control and supervision shall be the owners of ships, individuals or legal entities, carrying out activity, related to operation of ships, ports, port facilities, coastal facilities, shipping locks and structures at sea and inland waterways.

3. The objectives of preventive control without visiting the subject (object) of control and supervision are timely suppression and prevention of violations, giving the subject of control and supervision the right to independently rectify the violations identified in preventive control without visiting the subject (object) of control and supervision, and reducing the administrative burden on the subject of control and supervision.

4. To give the subjects of control and supervision the right to independently eliminate violations, preventive control without visiting the subject (object) of control and supervision shall be carried out only for those violations, the consequences of which can be rectified under the legislation of the Republic of Kazakhstan.

5. Upon the results of preventive control without visiting the subject (object) of control and supervision, a recommendation on rectifying the identified violations shall be drawn up without initiating administrative proceedings with mandatory explanation to the subject of control and supervision of the procedure for rectifying the violations.

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

7. A recommendation sent by one of the following methods shall be considered to be given in the following cases:

- 1) on purpose – from the date of the mark in the recommendation of receipt;
- 2) by mail - by registered letter;

3) by electronic means – from the date of sending by the authorized body to the e-mail address of the subject of control and supervision, specified in the letter when requested by the authorized body.

8. Recommendation on eliminating the violations revealed in preventive control without visiting the subject (object) of control and supervision shall be executed within twenty working days from the day following the date of its delivery.

9. In case of disagreement with the violations, specified in the recommendation, the subject of control and supervision shall have the right to send an objection to the authorized body, that sent the recommendation, within five working days from the day following the day of its delivery.

10. Non-fulfillment within the established time of the recommendation on rectifying the violations identified by the preventive control without visiting the subject (object) of control and supervision shall entail the appointment of preventive control with visiting the subject (object) of control and supervision by inclusion in the semi-annual list of preventive control and supervision with visiting the subject (object) of control and supervision.

11. Preventive control without visiting the subject (object) of control and supervision shall be conducted not more than once a year.

**Footnote.** The Law is supplemented by Article 17-2 in accordance with 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 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 18. Control of safety ensuring of shipping and order in port**

**Footnote.** Article 18 is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 19. Control of environmental safety ensuring and supervision in the field of sanitary epidemiological welfare**

**Footnote.** Title of Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Control of environmental safety ensuring upon operation of ships shall be carried out by state authorized body in the field of environmental protection.

2. Together with state authorized body in the field of environmental protection, the authorized body shall carry out:

1) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

2) informational support of ship's possessors, ship owners and ship captains linked with environmental safety.



3. Supervision in the field of sanitary epidemiological welfare on inland transport shall be carried out by state authorized body in the field of health care service.

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 20. Pilotage of ships**

1. Pilotage of ships shall be carried out for the purpose of safety ensuring of shipping on inland waterways and prevention of traffic accidents with ships.

Pilotage services of ships shall be rendered on a paid basis.

2. As pilots citizens of the Republic of Kazakhstan on condition of compliance to their requirements established by the provision on pilot service and also to requirements to pilot pilotage, by defined authorized body can be allowed to work.

3. In case of necessity, for the purpose of safety ensuring of shipping, a marine pilot shall have the right to suspend pilotage of ship before occurrence of circumstances enabling safety ensuring of shipping.

4. Presence of a marine pilot on ship shall not release responsibility for controlling the ship from a ship captain.

For the purpose of safety ensuring of shipping, in case of occurrence of doubts in correctness of recommendation of a marine pilot, a ship captain shall have the right to refuse from his (her) services, and by this, if pilotage of ship is mandatory, the ship captain shall be obliged to require substitution of this marine pilot.

5. For the harm inflicted to ship's possessor and (or) ship owner due to the fault of marine pilot, the responsibility shall be borne by organization, the employee of which he (she) is at the moment of inflicting the harm to ship's possessor and (or) ship owner.

Marine pilot or organization, the employee of which is a marine pilot shall bear responsibility in full measures, if it is proved that losses inflicted in the result of improper pilotage are the result of committed action (omission) intentionally or carelessly of a marine pilot or organization, the employee of which he (she) is.

Marine pilot being guilty in improper pilotage of ship may be disqualified in the manner and on conditions determined by the Rules of carrying out of pilotage of ships.

6. Ships sailing under the flag of foreign state shall be subject to compulsory pilotage during the whole sailing line on inland waterways, unless otherwise established by international treaties of the Republic of Kazakhstan.

7. During pilotage of ship, a marine pilot shall immediately inform territorial subdivision on:

1) any changes of navigable pass that may constitute a threat to safety of shipping;

2) any accidents with ship, pilotage of which he (she) carrier out, and with other ships on a field of inland waterways serviced by him (her);

3) non-performance of the rules of sailing of ships and rules of preventing pollution by discharge and oil-contaminated waters of inland waterways from the ships by a ship captain the pilotage of which he (she) carries out.

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).

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 21. Restriction or prohibition of movement of ships**

1. In case of occurrence of natural disasters, military actions, as well as upon excessive congestion of cargo and ships in port, territorial subdivision shall have the right to take decision on restriction or prohibition of movement of ships for the purpose of safety of shipping, protection of life and health of people, preservation of cargo, about which it shall notify authorized body immediately, which takes decisions on validity terms of such restriction.

In case of imposition of restriction or prohibition of movement of ships for the term of more than five days, authorized body shall notify the Government of the Republic of Kazakhstan about this immediately.

2. Territorial subdivision shall be obliged to inform carriers, senders of freight and receiver of cargo about taken decision in the manner established by the rules of carriage of cargo, specifying the reasons and terms of imposition of restriction or prohibition of movement of ships.

## **Chapter 5. Ship**

### **Article 22. Means of identifying ship**

1. Ship being subject to state registration in the State registry of ships and registry of leased foreign ships shall be obliged to have a name, registry point, registration number, calling signal and identification number of the ship station of satellite communication depending on equipment capability of the ship and number of selective calling of ship station.

Small size ship being subject to state registration in ship's book shall be obliged to have registration number on both shipboards according to the Rules of state registration of ship, as well as small size ship and rights to it.

2. The owner assigns and changes the name of the vessel.

Vessels operating in a closed basin, adjacent basins and mixed river-sea basins may not be given the same name.

2-1. The owner shall immediately notify the holders of registered pledges of the vessel about the change of the vessel name.

3. Registration number of ship shall be assigned by territorial subdivision in accordance with the Rules of the state registration of ship, as well as small size ship and rights to it.

4. Calling signal, identification number of ship station of satellite communication and number of selective calling of ship station shall be assigned in the manner established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

### **Article 23. Vessel documents**

1. On the vessel which is carrying out navigation on internal waterways there have to be following ship documents, an order of delivery and which maintaining is defined by authorized body:

1) certificate of registry that confirms the right of sailing of ship under the State flag of the Republic of Kazakhstan and right of ownership of the ship (for ships being subject to registration in the State registry of ships);

2) certificate on temporary grant of the right of sailing under the State flag of the Republic of Kazakhstan to foreign ship (for ships registered in the registry of leased foreign ships);

3) seaworthiness certificate of ship with specification of its class or with classification certificate;

4) ship's log (official log) for self-propelled ships;

5) master roll (for self-propelled ships – list of crew members of ship members made by ship captain;

6) radio newsreel (if ship has ship radio station);

7) permit of ship radio station (if ship has ship radio station);

8) engineer's log (for ships with mechanical engine);

**9) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication);**

10) the sanitary and epidemiologic conclusion on the vessel;

**11) 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);**

12) certificate on termination of oil pollution, discharge waters and rubbish from ship;

13) certificate on minimal composition of ship crew (for self-propelled ships).

1-1. A small size ship, subject to state registration, operated on inland waterways and other bodies of water, must have the following documents:

1) a ship's ticket;

2) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

2. Vessel documents shall be on ship in the original with the exception of certificate on the right of ownership of ship, the copy of which shall be verified by the body issued such certificate or notarized.

3. Documents established by the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan shall be on ship, as well as small size ship registered in the State registry of ships or ship's book carrying out sailing linked with cross of the State Border of the Republic of Kazakhstan, besides the documents provided by paragraphs 1 and 1-1 of this Article.

4. Documents established by the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan shall be on ship sailing under the flag of foreign state carrying out shipping on inland waterways.

5. Recognition of vessel documents of ship sailing under the flag of foreign state and calling at ports of the Republic of Kazakhstan or committing a pass through inland waterways shall be carried out in accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 23 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 28.12.2010 № 369-IV (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 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 05.05.2017 № 59-V (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

#### **Article 24. Right of sailing under the State flag of the Republic of Kazakhstan**

1. Sailing of ships on inland waterways shall be allowed only under the State flag of the Republic of Kazakhstan.

2. Sailing of ships under the flag of foreign state, as well as for the purpose of transit on inland waterways shall be carried out on the basis of international treaties ratified by the Republic of Kazakhstan.

3. Right of sailing under the State flag of the Republic of Kazakhstan shall be provided to ships being in ownership of:

1) the State;

2) citizens and non-state legal entities of the Republic of Kazakhstan, registered in the manner established by the legislation of the Republic of Kazakhstan;

3) is excluded by the Law of the Republic of Kazakhstan dated 31.01.2006 № 125.

4. Ship enjoying the right of sailing under the State flag of the Republic of Kazakhstan shall be obliged to fly the State flag of the Republic of Kazakhstan.

5. Right of sailing under the State Flag of the Republic of Kazakhstan shall be created from the moment of state registration of ship in the State registry of ships of the Republic of Kazakhstan.

6. Is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

7. Upon state registration of ship in registry of leased foreign ships, the territory subdivision shall issue certificate on temporary grant of the right of sailing under the State flag of the Republic of Kazakhstan to foreign ship for the term mentioned in decision on temporary grant of the right of sailing under the State flag of the Republic of Kazakhstan to ship.

8. Ship acquired in ownership beyond the boundaries of the Republic of Kazakhstan shall enjoy the right of sailing under the State flag of the Republic of Kazakhstan from the date of issuance of temporary certificate by consular service of the Republic of Kazakhstan, certifying this right and being valid before the state registration of ship in the State registry of ships of the Republic of Kazakhstan for the term of no more than one year.

9. In case of loss of certificate on the right of sailing under the State flag of the Republic of Kazakhstan by ship's possessor, the authorized body shall issue duplicate of mentioned certificate to him (her) upon application of the possessor. Procedure for issuance of duplicate of certificate on the right of sailing under the State flag of the Republic of Kazakhstan shall be established by the Rules of state registration of ship, as well as small size ship and rights to it.

10. Ship shall lose the right of sailing under the State flag of the Republic of Kazakhstan from the date of its exclusion from the State registry of ships of the Republic of Kazakhstan.

11. On the basis of decision of authorized body, the right of sailing under the State flag of the Republic of Kazakhstan may be provided temporarily to ship registered in registry of ships of foreign state leased without a crew (bare board charter) by a Kazakh person in case if :

1) a lessee answers requirements submitted to a ship's possessor in accordance with paragraph 3 of this Article;

2) ship's possessor gave agreement in written for transfer of the ship under the State flag of the Republic of Kazakhstan;

3) legislation of the state of a ship's possessor doesn't prohibit provision of the right of sailing under the flag of foreign state to ship.

12. Right of sailing under the State flag of the Republic of Kazakhstan may be provided to ship mentioned in paragraph 11 of this Article for the term not exceeding two years, with the right of it following extension every two years, but no more than the validity term of lease agreement.

13. Right of sailing under the State flag of the Republic of Kazakhstan may be suspended temporarily in case of transfer of ship to foreign person in lease without crew team (bare board charter) in condition that ship's possessor gave the agreement in written to such transfer and legislation of the ship's lessee allows provision of the right of sailing under the flag of this state to ship.

Decision on possibility of transferring ship under the flag of foreign state shall be taken only by authorized body. The term on which the ship may be transferred under the flag of foreign state shall be determined by the validity term of lease agreement of ship.

**Footnote. Article 24 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 № 125; dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 6. Right of ownership of ship. State registration of ship and rights to it. Pledge of ship. Ship mortgage**

**Footnote. Title of chapter 6 is in the wording of 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).**

### **Article 25. Right of ownership of ship**

1. Ships may be in ownership of:

1) the State;

2) citizens and legal entities of the Republic of Kazakhstan;

3) foreign states, foreign persons, stateless persons and foreign legal entities, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

2. Right of ownership to ship or part of the ship shall be created from the moment of state registration of such right in the State registry of ships of the Republic of Kazakhstan and be approved by certificate of registry issued by territorial subdivision.

In case of loss of certificate of registry, the territorial subdivision shall issue a duplicate of mentioned document to him (her). Procedure for issuing duplicate of certificate of registry shall be established by the state registration of ship and rights to it.

2-1. Right of ownership to small size ship or part of small size ship shall be created from the moment of state registration of such right in ship's book and be approved by the ship's letter issued by territorial subdivision.

In case of loss of ship's letter, territorial subdivision shall issue duplicate of mentioned document to him (her) upon application of possessor of small size ship. Procedure for issuing

duplicate of ship's letter shall be established by the Rules of state registration of ship, as well as small size ship and rights to it.

3. 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).

3-1. Excluded by the Law of the Republic of Kazakhstan dated 26.01.2021 № 412-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication).

4. Ship's possessor shall have the right to transfer it to custodian under ship management agreement for carrying out of ship controlling for remuneration in favour of possessor, unless otherwise provided by the agreement.

Transfer of ship in trust management shall not entail a transfer of the right of ownership to it to custodian.

5. Is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

6. excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Footnote. Article 25 as amended by the Laws of the Republic of Kazakhstan dated 26.07.2007 № 311 (shall be enforced upon expiry of ten calendar days after its official publication); dated 25.03.2011 № 421-IV (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 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.01.2021 № 412-VI (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

## **Article 26. State registration of ship, as well as small size ship and rights to it**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Ship shall be subject to state registration in the State registry of ships of the Republic of Kazakhstan or ship's book with assignment of registration number to it.

2. Ship that is provided by the right of sailing under the State flag of the Republic of Kazakhstan on a temporary basis in accordance with paragraph 11 of Article 24 of this Law shall be subject to state registration in registry of leased foreign ships.

3. State registration of ship and rights to it is the act of recognition and confirmation of creation, restriction (encumbrance), transfer or termination of rights to ship by the state in accordance with civil legislation of the Republic of Kazakhstan.

4. For the state registration (reregistration) of ship and rights to it, as well as upon receiving duplicate of document certifying the state registration of ship, the charge shall be

recovered in the manner and amount established by tax legislation of the Republic of Kazakhstan.

4-1. In case as a result of incident or for other reason the vessel ceases to correspond to the data which are earlier entered in the State ship register of the Republic of Kazakhstan or the ship book the state re-registration of the vessel in the order determined by authorized body is carried out.

The ground for reregistration of ship is the use of ship being in ownership of the Republic of Kazakhstan and used by state bodies for performance of functions imposed on them in commercial purposes.

5. Passenger, cargo-and-passenger, oil-loading, towing ships, dry-cargo ships, floating cranes and industrial ships, as well as ships that are not small size ships shall be registered in the State registry of ships.

6. Small size vessels are subject to the state registration in the ship book.

Small size vessels weighing up to two hundred kilograms inclusive and the power of engines (in case of installation) to eight kilowatts inclusive and also sports sailing vessels which length does not exceed nine meters which have no engines and on which vacation spots are not equipped are not subject to the state registration.

6-1. Lifeboats and other floating crafts that are associated accessories of ship shall not be registered in the State registry of ships and ship's books.

7. Territorial subdivision shall refuse in the state registration in the case, of forms and content of represented documents do not conform to requirements established by the Rules of state registration of ship, as well as small size ship and rights to it.

8. Refusal in the state registration of a ship and rights to it may be appealed by the interested person in accordance with the procedure, established by the laws of the Republic of Kazakhstan.

9. Right of ownership to ship may not be registered in the State registry of ships of the Republic of Kazakhstan if it is registered in registry of ships of foreign state. In this case for registration of the right of ownership to ship in the State registry of ship of the Republic of Kazakhstan, the possessor shall represent a note on exclusion of ship from registry of ships of foreign state.

10. Ship registered in registry of ships of foreign state shall be subject to state registration in registry of leased foreign ships within months from the date of taking decision on temporary representation of the right of sailing under the State flag of the Republic of Kazakhstan to this ship in accordance with paragraph 11 of Article 24 of this Law.

**Footnote. Article 26 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (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 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.05.2017 № 59-VI (an**



order of enactment see Art. 2); dated 29.06.2020 № 351-VI (shall come into force from 01.07.2021).

**Article 27. Grounds for state registration of ship, as well as small size ship and rights to it**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Grounds for the state registration of ship, as well as small size ship and rights to it are:

- 1) acts issued by state bodies within the competence;
- 2) agreements and other transactions in respect of ship, as well as small size ship committed in accordance with the legislation of the Republic of Kazakhstan;
- 3) certificate on the right of inheritance;
- 4) court decision entered into force;
- 5) other documents confirming the right of ownership to ship, as well as small size ship.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 28. List of documents required for state registration of ship, as well as small size ship and rights to it**

Footnote. Title of Article 28 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The application form about the state filing of the vessel and the rights for it is established by authorized body.

The application on state registration of ship and rights to it shall be attached by the following documents:

- 1) constitutive and other documents being the grounds for the state registration of ship and rights to it in accordance with Article 27 of this Law;
- 2) classification certificate;
- 3) document confirming payment of the sum of charge for the state registration of transport vehicles in budget.

1-1. Was valid until 31.12.2015 in accordance with the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V.

1-2. When carrying out the operation provided by subparagraph 11) of paragraph 2 of article 5-1, article 61-4 of the Law of the Republic of Kazakhstan “On banks and bank activity in the Republic of Kazakhstan” the following documents have to be attached to the statement for the state filing of the vessel and the rights for it:

- 1) notarially testified copies of the contract on simultaneous transfer of assets and obligations, the contract providing acquisition by the organization specializing in improvement of quality of the loan portfolios of banks of the second level, assets and the

rights of requirements (with the appendix of the transmitting act or an extract from it), the contract containing a condition about a concession of the right (requirement);

2) the document confirming payment in the budget of the sum of charge for the state filing of vehicles.

2. For the state registration of ship in registry of leased foreign ships, the application of a lessee of ship on state registration of ship shall be attached by the following documents besides those mentioned in paragraph 1 of this Article shall be represented in additional:

1) notarized copy of lease agreement of ship;

2) written permit of ship's possessor and pledgeholder of registered ship mortgage or encumbrance on it on transfer of ship under the State flag of the Republic of Kazakhstan;

3) document confirming the name and place of residence or name and location of Kazakhstani lessee of ship under lease agreement;

4) decision of authorized body on temporary provision of the right of sailing under the State flag of the Republic of Kazakhstan to foreign state and on determination of name of this ship;

5) document issued by competent powers of foreign state, in which ship is registered directness before change of flag, and confirming that the right of sailing under the flag of such state is suspended for the term of provision of the right of sailing under the State flag of the Republic of Kazakhstan to ship.

3. The application form about the state filing of the small size vessel and the rights for it is established by authorized body.

The application on state registration of small size ship and rights to it shall be attached by the following documents:

1) constitutive and other documents being the grounds for the state registration of ship and rights on it in accordance with Article 27 of this Law;

2) document confirming payment of the sum of charge for the state registration of transport vehicles in budget.

**3-1. Was valid until 31.12.2015 in accordance with the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V.**

3-2. When carrying out the operation provided by subparagraph 1) of paragraph 2 of article 5-1, article 61-4 of the Law of the Republic of Kazakhstan "On banks and bank activity in the Republic of Kazakhstan" the following documents have to be attached to the statement for the state filing of the small size vessel and the rights for it:

1) notarially testified copies of the contract on simultaneous transfer of assets and obligations, the contract providing acquisition by the organization specializing in improvement of quality of the loan portfolios of banks of the second level, assets and the rights of requirements (with the appendix of the transmitting act or an extract from it), the contract containing a condition about a concession of the right (requirement);

2) the document confirming payment in the budget of the sum of charge for the state filing of vehicles.

**Footnote.** Article 28 as amended by the Laws of the Republic of Kazakhstan dated 11.12.2006 № 201 (shall be enforced from 01.01.2007); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2015 № 311-V (an order of enactment see art. 2); dated 27.02.2017 (shall be enforced on the expiry of ten calendar days after the date of its first publication); dated 05.05.2017 № 59-V (shall be enforced on the expiry of ten calendar days after the date of its first publication).

### **Article 29. Exclusion of ship from the State registry of ships of the Republic of Kazakhstan or ship's book**

1. The following ships shall be subject to exclusion from the State registry of ships of the Republic of Kazakhstan or ship's book:

- 1) lost or missed;
- 2) constructively lost;
- 3) lost quality of ship in the result of reconstruction or other changes;
- 4) ceased to comply with the requirements provided by paragraph 3 of Article 24 of this Law.

5) in connection with a change of the ship's owner.

2. For exclusion of ship from the State registry of ships of the Republic of Kazakhstan or ship's book, a ship's possessor shall be obliged to file application and documents confirming the circumstances being the grounds for such exclusion to territorial subdivisions.

**Footnote.** Article 29 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days its first official publication).

### **Article 30. Responsibility for violation of the Rules of state registration of ship, as well as small size ship and rights to it**

Person evading from compulsory state registration of ship and rights to it, as well as a person registered the ship in the State registry of ships of the Republic of Kazakhstan with violation of established order shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

### **Article 31. Arrest and compulsory sale of ship**

In case if court accepted determination on ensuring of the risk in the form of arrestment of ship or the ship is sold in the manner of execution proceeding, the territory subdivision shall make the relevant record into the State registry of ships of the Republic of Kazakhstan or ship's book. By this, a possessor of ship shall be informed on imposition or removal of measures on ensuring of the risk on or from ship.

Footnote. Article 31 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 32. Pledge of ship, ship mortgage, as well as of small size ship**

Pledge of ship, ship mortgage, as well as of small size ship shall be carried out in the manner established by civil legislation of the Republic of Kazakhstan.

Footnote. Article 32 is in the wording of 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).

#### **Article 32-1. State registration of ship mortgage**

1. Ship mortgage shall be registered by territorial subdivision in the same registry in which the ship is registered.

2. Foreign ship mortgage that is provided by the right of sailing under the State flag of the Republic of Kazakhstan on a temporary basis may not be registered in the Republic of Kazakhstan in accordance with paragraphs 7 and 11 of Article 24 of this Law.

3. Ship mortgage shall be registered on the date of filing application on state registration.

4. The order of governmental registration vessel's mortgage is defined by the executive body.

5. State registration of ship mortgage shall be certified by issuance of certificate on state registration of ship mortgage.

6. Charge for the state registration of ship mortgage and issuance of copy of certificate on state registration on the state registration of ship mortgage shall be recovered in the manner and amount established by the tax legislation of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented by Article 32-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the changes, added by the law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication).

#### **Article 32-2. State registration of small size ship mortgage**

1. Small size ship mortgage shall be registered by territorial subdivision in the same ship's book in which small size ship is registered.

2. Small size ship mortgage shall be registered on the date of filing application on the state registration of small size ship mortgage.

3. Procedure for state registration of small size ship mortgage shall be determined by the Rules of state registration of ship, as well as small size ship and rights to it.

4. State registration of small size ship mortgage shall be certified by issuance of certificate on the state registration of small size ship mortgage.

5. Charge for the state registration of small size ship and issuance of copy of certificate on state registration of ship mortgage shall be recovered in the manner and amount established by the tax legislation of the Republic of Kazakhstan.

**Footnote.** Chapter 6 is supplemented by Article 32-2 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 7. Ship crew**

### **Article 33. Ship crew composition**

1. Ship crew shall consist of persons of a ship's command staff, operating crew, and on passenger ships – as well as from the staff servicing passengers of ship.

2. Ship's command staff shall include a captain of ship, commander of dredging and dragger mud, their assistants, machine attendants and electrical officers, assistants of machine attendants and electrical officers, radio officers and doctors.

3. Operating crew shall consist of persons working on ship not related to command personnel of ship and staff servicing passengers of the ship.

4. The minimum crew staff of the vessel according to requirements of vessel operation of particular type is established by authorized body.

5. Persons included in composition of ship crew shall be included to the list of crew members (muster roll), maintenance of which is obligation of ship captain.

**Footnote.** Article 33 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication).

### **Article 34. Requirements submitted to crew members**

1. Persons having the relevant qualification according to the rules of certification and attestation of the persons of command personnel of ships being subject to the state registration in the State registry of ships of the Republic of Kazakhstan shall be admitted to holding positions of command personnel of ships.

Attestation of ship command staff shall be carried out after each subsequent five years. Persons who graduated from educational institutions in the relevant occupation in the year of the subsequent attestation, as well as those who passed certification in the same year, shall be exempted from attestation.

**1-1. excluded by the law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced on the expiry of ten calendar days after the date of its first publication);**

2. Persons having opinion of medical examining board on suitability to such work according health condition shall be admitted to work on ship.

3. Foreigners and stateless persons, that are part of the crew of the vessel floating under the state flag of the Republic of Kazakhstan, cannot be appointed as captain of the vessel, senior assistant captain of the vessel, senior mechanic and radio specialists. The conditions under which foreigners and stateless persons can be part of the crew of the vessel are determined by the authorized body in accordance with the legislation of the Republic of Kazakhstan.

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).

Footnote. Article 34 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (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 16.05.2014 № 203-V (shall enter into force six months after the date of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication); dated 05.07.2024 № 115-VIII (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 35. Ship captain**

1. Ship captain shall be a citizen of the Republic of Kazakhstan the qualification level of which conforms to submitted requirements.

Qualification requirements to the captain of the vessel, order of his certification are defined by authorized body.

2. Control of ship shall be imposed on ship captain, as well as ship navigation, taking measures on safety ensuring of sailing of the ship, maintenance of order on ship, environmental protection, prevention of inflicting harm to ship, people being on ship, luggage and cargo.

3. In the absence of possessor of ship, ship owner, senders of freight or their representatives, ship captain shall be the representative of a possessor of ship, ship owner and senders of freight upon consummation of transactions in respect of ship, cargo or sailing of the ship in cases of necessity, as well as upon bringing of suits in respect of property being on the ship.

4. In case if in opinion of a ship captain, the ship is threatened by imminent loss, the ship captain shall permit to crew members to leave the ship after taking all measures on rescuing the passengers. Ship captain shall be the last who leaves the ship after taking all measures depending on him (her) on rescuing ship's log, engineer's log, route map of the ship.

5. A possessor of ship and ship owner shall not bear responsibility for violation of obligations provided by paragraph 4 of this Article by a ship captain.

Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication).

### **Article 36. Rights and obligations of ship captain**

1. Regulations of ship captain given within his (her) powers shall be performed by all persons being on ship.

2. Ship captain shall have the right to:

1) suspend crew members from fulfillment of official duties in accordance with the legislation of the Republic of Kazakhstan;

2) apply incentive and impose disciplinary punishments to crew members in the manner established by the labour legislation of the Republic of Kazakhstan;

3) certify a will of person being on ship during sailing, by this the will certified by ship captain shall be equated to notarized in accordance with the legislation of the Republic of Kazakhstan on notary office.

3. Ship captain shall be obliged to:

1) provide assistance to a person suffering distress on water, if it doesn't entail a hazard for his (her) ship and persons being on it;

2) provide assistance upon collision of ships to another ship participated in collision, its passengers and crew members, and by this the ship captains of collided ships shall be obliged to inform the names of their ships to each other;

3) in case if crew member or passenger is in need of emergency medical treatment that may not be provided during being of ship in sailing, ship captain shall be obliged to call at the nearest port with notifying a possessor of ship and (or) ship owner about this, and upon calling at foreign port with notifying a consul of the Republic of Kazakhstan and ship owner's agent as well (in existence of such agent in foreign port);

4) in case of disappearing a crew member or passenger upon circumstances admitting the possibility of his (her) death, ship captain shall be obliged to make a record in ship's log, draw up an act, as well as description of the property being on the ship belonged to disappeared crew member or passenger and transfer mentioned act and property to captain of the nearest port;

5) in case of birth of a child on ship or in every case of death on the ship, captain shall be obliged to draw up the relevant act with the participation of two witnesses and doctor, if it is on the ship, as well as make record in ship's log;

6) notify a possessor of ship and (or) ship owner on case of death on the ship and take measures on preservation of body of deceased person and transfer to his (her) relatives or administration of the nearest port;

7) make a description and ensure preservation of property being on the ship belonged to deceased person before transfer of the property according to description to relatives of deceased person or administration of the nearest port;

8) isolate a person, the actions of which constitute a threat to safety of ship or persons and property being on it.

9) in case of detection on the vessel which is in swimming of the act containing signs of the criminal offense provided by the criminal legislation of the Republic of Kazakhstan immediately to inform on it law enforcement agencies and to detain the person suspected of commission of such criminal offense before transfer to its specified bodies in the nearest port or the settlement;

10) in case of attack to ship by persons for the purpose of commission of illegal actions, ship captain shall be obliged to act in coordination with internal affairs bodies and national security bodies and in accordance with the manner established by authorized body.

4. In case of disease or another reason impeding fulfillment of official duties by ship captain, as well as his (her) death, the obligations of ship captain shall be imposed on senior assistant of ship captain before receipt of regulation of a possessor of ship and (or) ship owner

**Footnote. Article 36 as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 № 253; dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).**

### **Article 37. Labour relations on ship**

1. Appointment of crew members shall be carried out by a possessor of ship and (or) ship owner in coordination with ship captain.

2. Procedure for conclusion of labour agreement with crew members, their rights and obligations, conditions of labour and payment, as well as procedure and grounds of termination of labour agreement with them shall be determined by the labour legislation of the Republic of Kazakhstan and this Law.

3. During the stay of crew members on ship, ship owner shall be obliged to ensure:

1) safety labour conditions in accordance with the labour legislation of the Republic of Kazakhstan;

2) health protection and medical treatment in accordance with the legislation of the Republic of Kazakhstan on health protection of citizens of the Republic of Kazakhstan;

3) existence of life saving equipment;

4) regular supply of food-stuffs and water;

5) rooms for rest, food, treatment, cultural and domestic servicing, conforming to sanitary hygiene requirements.

4. In case of death or infliction of harm to life and health of crew member upon his (her) fulfillment of official duties, a possessor of ship and (or) ship owner shall be obliged to compensate for harm inflicted to the crew member in accordance with the civil legislation of the Republic of Kazakhstan.

5. Crew member shall have the right to carry property on ship intended for personal use. In case of loss or damaging of the property due to accident with ship, a possessor of ship and



(or) ship owner shall be obliged to compensate the crew member for inflicted damage. By this the damage inflicted to the property of crew member who is guilty in accident with ship shall not be subject to compensation.

**Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 15 May 2007 № 253.**

#### **Article 38. Return of crew member to the place of his (her) admission to work**

1. A possessor of ship and (or) ship owner shall be obliged to ensure return of crew member and his (her) personal property with a weight up to thirty kilograms to the place of crew member's admission to work or to other place conditioned by parties at own expense in case:

- 1) of loss of ship;
- 2) disease of crew member or receiving injury by him (her) requiring treatment beyond the ship;
- 3) termination of labour agreement in accordance with the labour legislation of the Republic of Kazakhstan, as well as completion of the validity term of labour agreement beyond the boundaries of the Republic of Kazakhstan concluded for particular term;
- 4) impossibility of fulfillment of own obligations by a possessor of ship and (or) ship owner in respect of crew members provided by the legislation of the Republic of Kazakhstan or labour and collective agreements due to bankruptcy of the ship owner, sale of ship or change of the state of registering the ship;
- 5) direction of ship without agreement of a ship member to the one of military actions or zone of epidemiological hazard.

2. In case if the reason of returning crew members to the place of admission to work is violation of conditions of labour and collective agreements by them, a possessor of ship and (or) ship owner shall have the right to collect expenses in full or in part from the crew members linked with this return in accordance with the legislation of the Republic of Kazakhstan, labour and collective agreements.

**Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 15 May 2007 № 253.**

### **Chapter 8. Ship lease**

#### **Article 39. General provisions**

1. Ship lease shall be carried out in accordance with the civil legislation of the Republic of Kazakhstan and rules established by this chapter.

Rules established by this chapter shall be applied, unless otherwise established by lease agreement.

2. Ship lease with crew team shall provide provision of ship by a lessor to a lessee, as well as services on controlling the ship and its technical operation.

3. Ship lease without crew team shall not include rendering of services on controlling the ship and its technical operation by a lessor.

4. Enforced collections arising from requirements to a lessee from the side of third parties shall not be allowed on leased ship.

5. Alienation of ship during validity term of lease agreement shall not entail termination of its validity, by this a new possessor shall acquire all the rights and obligations provided by this agreement in the manner established by the civil legislation of the Republic of Kazakhstan.

Person, the ship of which is subject to alienation shall be obliged to notify a person acquiring the right of possession of the ship about lease agreement concluded in respect of alienated ship. Obligation of a person acquiring the right of possession of ship is to notify a lessee of this ship about change of possessor.

6. Transfer of ship in lease and return of ship shall be carried out at the place mentioned in lease agreement. Expenses linked with delivery of ship to the place mentioned by agreement shall be incurred by a party transferring the ship, unless otherwise provided by the lease agreement.

7. Lease agreement shall provide the term of transferring the ship in possession and use of a lessee with specifying dates of maturity and termination of this term. A lessee shall not be obliged to receive ship in possession and use earlier than the date of maturity of this term. A lessee shall be obliged to receive the ship in own possession before expiry date of termination of this term. In case if the ship is not provided in possession and use of a lessee within term mentioned in lease agreement, the lessee shall have the right to require dissolution of lease agreement. A lessor shall also have the right to dissolve lease agreement, if the ship is not received by a lessee upon expiry date of termination of this term.

Procedure for alteration and dissolution of lease agreement shall be performed in accordance with the Civil Code of the Republic of Kazakhstan.

8. A lessee shall have the right to sublease a ship with the agreement of a lessor.

Upon conclusion of sublease agreement, a person transferring ship shall acquire rights and obligations provided by the legislation of the Republic of Kazakhstan for lessors, in respect of a person to whom the ship is underleased, but by this shall preserve the rights and obligations provided by the legislation of the Republic of Kazakhstan and lease agreement in respect of the person, from whom the ship was received before than in lease or sublease.

Sublease agreement may not be concluded for the term exceeding the term of sublease agreement.

#### **Article 40. Rights and obligations of a lessor upon ship lease with crew team**

1. A lessor shall be obliged to ensure suitability of ship for the purposes provided by lease agreement, staffing of crew team and proper outfit of the ship, as well as safety technical operation of the ship, maintenance of its crew team and existence of vessel documents provided by this Law in accordance with the purposes of lease.

2. Crew members shall preserve labour relations with a lessor. By this, a lessor shall have the right to issue regulations to crew members related to controlling and technical operation of ship.

Expenses for paying the services of crew members, as well as expenses for their maintenance shall be incurred by a lessor unless otherwise provided by lease agreement.

3. A lessor shall bear responsibility for deficiencies of leased ship in accordance with the Civil Code of the Republic of Kazakhstan.

4. In case if a lessor is not possessor of ship, the lease or sublease of this ship shall be performed with the agreement of possessor of ship.

#### **Article 41. Rights and obligations of a lessee upon lease of ship with crew team and carrying out of commercial operation of the ship**

1. A lessee shall have the right to conclude affreightment or towing agreements in his (her) own name within carrying out of commercial operation without the agreement of a lessor, if they are not inconsistent with design and class of ship, as well as purposes provided by lease agreement.

2. During commercial operation of ship, crew members shall be subordinated to regulations of a lessee. A lessor shall incur all expenses linked with commercial operation of the ship, as well as expenses for pay of fuel and other materials expended in the process of operation and for pay of charges.

3. A lessee shall have the right to appoint his (her) own representative within carrying out of commercial operation of ship, the regulations of which in a part of commercial operation of ship are compulsory for ship captain.

#### **Article 42. Rights and obligations of a lessor and lessee upon lease of ship without crew team**

Rights and obligations of a lessor and lessee upon lease of ship without crew team shall be determined by the civil legislation of the Republic of Kazakhstan.

#### **Article 43. Settlements for ship lease**

1. A lessee shall pay lease payment to a lessor in the manner and in terms provided by lease agreement.

2. A lessee shall be released from paying lease payment and expense linked with ship for the term during which the ship was not suitable for operation due to the guilt of a lessor. In case, if ship was not suitable for operation due to the fault of a lessee, the lease payment shall be subject to payment in full measure.

3. In case of loss of ship, the lease payment shall be contributed by a lessee for the time including the date of its loss, and in case if this date may not be established – the date of receiving the last information about it.

4. Upon untimely return of ship to a lessor, a lessee shall pay lease payment for the whole term of using the ship, exceeding the term of lease agreement, proceeding from the rate of lease payment provided by the lease agreement, or market rate of lease payment if it exceeds the rate of lease payment provided by the lease agreement.

5. In case of non-contribution of lease payment more than two times upon expiry of the term of payment established by agreement, a lessor shall have the right to dissolve the lease agreement in advance in a judicial proceeding.

6. Separate improvements of the ship performed by a lessee are his (her) property and may be seized by him (her), unless otherwise provided by the lease agreement.

## **Chapter 9. Ports**

### **Article 44. Legal status of port, its territory and aquatic area**

1. Ports may be in possession of:

1) the state;

2) citizens and non-state legal entities of the Republic of Kazakhstan.

Ports being on internal waterways are the objects of common use.

2. Territory of port is the land plots designated to port in accordance with the land legislation of the Republic of Kazakhstan, as well as zones required for its promising development.

3. Aquatic area of port is the fields of aquatic areas within inland waterways, as well as roadsteads and approaches to the port, designated to it in the manner established by the legislation of the Republic of Kazakhstan.

Settlement of borders of aquatic area of port shall be carried out by authorized body.

4. Aquatic areas and lands of coastal belt of ports are the state property.

5. For construction, reconstruction of ports being in ownership of the state, the land plots being in private ownership may be seized in the manner established by the land legislation of the Republic of Kazakhstan, with compensation for losses in full measures or provision of other equal land plot.

### **Article 45. Port captain**

**Footnote. Article 45 is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 46. Main requirements submitted for operation of ports**

1. The owners of the port berths shall provide safe approaches for vessels, safe dockage of vessels at such berths, avail of warehouses, cargo weighing means, loading and unloading equipment, devices and appliances for boarding, disembarking, staying of passengers waiting for the ship, including persons with disabilities, and, if necessary, railway sidings for supply of wagons to ports.

At passenger service points, including ticket sales points, owners of berths and ports are obliged to provide information in the state and Russian languages, if necessary, also in other languages.

The text of the information must comply with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan".

Means for determination of cargo weights shall be subject to the state meteorological control in established manner.

2. Port hydrotechnical structures, means of navigation equipment, transshipping complexes, berths, official buildings and other property located and used in port shall be maintained at the expense of port owner.

3. Ports shall have means of environmental protection, acceptance and processing of domestic and oil-contaminated waters, other wastes, as well as means for performing the works on rescuing the ships within aquatic area of port and liquidation of fires.

**Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 31 January 2006 № 125; dated 29.12.2021 № 94-VII (shall be enforced ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 47. Procedure for calling of ships at ports and their leaving from port**

1. Calling of vessels port and their exit from port, navigation of vessels within the water area of port and the parking in port is carried out in the order established by authorized body.

2. Call of foreign ships at ports of the Republic of Kazakhstan and their maintenance shall be carried out on the basis of international treaties.

**Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced on the expiry of ten calendar days after the date of its first publication).**

#### **Article 48. Services rendered in port**

1. Port shall carry out:

- 1) loading (unshipping) of cargo and servicing of ships in the manner of priority of their arrive;
- 2) freight forwarding and storage operations with cargo;
- 3) transshipment of cargo on inland water transport from other types of transport and back ;
- 4) passenger service of ships;
- 5) carriage of passengers, luggage and cargo on ships of port and on other types of transport.

2. Establishment of prices (tariffs) and their limit level for compulsory services of port shall be performed in accordance with the legislation of the Republic of Kazakhstan.

3. The amount of a payment for the services which are not entering the list of the obligatory services of port established by authorized body is defined by the contracts signed according to the legislation of the Republic of Kazakhstan.

**Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced after ten calendar days after day of its first official publication).**

## **Chapter 10. Carriage of passengers, luggage and postal matters**

### **Article 49. Contract of carriage of passenger and luggage**

1. Carriage of passengers and their luggage shall be performed on the basis of contract of carriage of passenger.

2. Under contract of carriage of passenger, a carrier shall be obliged to transfer passenger to destination point, and in case of registering luggage by a passenger – deliver the luggage to destination point as well and issue it to the passenger or person authorized for receiving the luggage; a passenger shall be obliged to pay a charge for travel, and in case of registering luggage – for luggage transportation as well.

3. Contract of carriage of passenger and luggage shall be drawn up respectively with travel ticket and luggage ticket in the form approved by authorized body.

4. Contract of carriage of passenger on sightseeing and touristic routes may be drawn up in the form of trip ticket or ticket for carriage of the groups of passengers.

### **Article 50. Procedure and types of carriage of passengers and luggage**

1. Depending on conditions, continuance, distance and quality provided by inland water transport, carriage of passengers shall be subdivided into following types:

- 1) transport;
- 2) touristic;
- 3) sightseeing;
- 4) other types in accordance with the legislation of the Republic of Kazakhstan.

2. According to the types of communications, carriage of passengers shall be divided into:

- 1) international – carriage between the Republic of Kazakhstan and foreign states;
- 2) intrarepublican – carriage between inhabited localities located in the territory of the Republic of Kazakhstan.

3. According to administrative and territorial sign, intrarepublican carriage of passengers and luggage shall be divided into:

1) interoblast – carriage carried out between departure and destination points being in different oblasts or connecting inhabited localities with cities of republican significance, the capital;

2) interdistrict (international interoblast) – carriage within one oblast carried out between inhabited localities being in different districts, or connecting inhabited localities with cities of oblast significance;

3) intradistrict – carriage between inhabited localities within one district;

4) suburban – carriage on routes connecting inhabited locality with suburban zone with a length up to fifty kilometres measured from established borders of inhabited locality;

5) city – carriage within established borders of city.

4. The order and transport types of passengers and baggage (further – rules of passenger transportations of) are defined by authorized body.

Footnote. Article 50 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); With the changes made by the law of the republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 51. Rights and obligations of a carrier**

1. A carrier shall have the right to appraise freely carriage in accordance with the pricing rules, with the exception of regulated carriage.

2. A carrier shall be obliged to provide a place on ship for a passenger mentioned in ticket or trip ticket.

3. At passenger service points, including ticket sales points, information on the organization of passenger transportation in the state and Russian languages, if necessary, also in other languages, must be provided.

The text of the information must comply with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan".

4. A carrier shall be obliged to organize sale of tickets, as well as preliminary sale, as well as provide the services of reference services, storage rooms, sitting rooms and other services in accordance with the rules of carriage of passengers.

5. In inhabited localities, where there are no floating landing stages with passenger premises shall be the pavilions, and on suburban lines and crossings – sheds with seats. By this, owners of such pavilions shall be obliged to equip the places of boarding, unloading of passengers by necessary devices for the purpose of passenger safety.

6. Passengers shall be provided by conditions of carriage established by the national standards and regulations on carriage of passengers.

7. List and procedure for provision of benefits and services to passengers shall be established by the legislation of the Republic of Kazakhstan.

8. A carrier shall be obliged to ensure safety sailing of ship, staff by crew team and supply by all necessary things required for its proper maintenance for the whole time of carriage.

9. provision of amenities of station environs and berth territories shall be carried out at the expense of their owners.

Footnote. Article 51 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2021 № 94-VII (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 51-1. Organization of social important carriages**

Organization of social important carriage of passengers, approval of their routes, organization and conduct of competitions for the right of their servicing and approval of the schedules of movement on routes shall be carried out:

1) in interdistrict (intercity, intraoblast) communication – by local executive bodies of oblasts;

2) in city and suburban communication – by local executive bodies of districts, cities of oblast significance, cities of republican significance, the capital within their jurisdiction;

3) in intradistrict communication – by local executive bodies of districts.

Losses of carriers, the bound to exercise of socially important transportations of passengers by the inland water transport, are subsidized with local executive bodies at the expense of budgetary funds.

**Footnote.** The Law is supplemented by Article 51-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 51-2. Accessibility of services in the inland water transport for persons with disabilities**

1. For the access of persons with disabilities to inland water transport services, the following must be provided in the port:

1) allocated places with the installation of special road signs for parking vehicles of persons with disabilities;

2) adaptation of buildings, entrances to buildings (entrance to the building, stairs), paths of movement inside the building for handicapped people, including persons with disabilities;

3) equipment with information signaling devices and communication means accessible to persons with hearing and vision disabilities, in accordance with the requirements of the legislation of the Republic of Kazakhstan;

4) availability of a standby wheelchair to serve disabled persons with musculoskeletal disorders, and other handicapped population groups;

5) special places allocated in the waiting rooms for persons with disabilities, which must be equipped with regard to the needs of handicapped people, including persons with disabilities;

6) equipping public toilets with cabins for wheelchair users;

7) installed specialized payphones for wheelchair users;

8) equipment of specialized booking offices for servicing persons with disabilities.

**Footnote.** Chapter 10 is added by the article 51-2 according to the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication)

#### **Article 52. Rights and obligations of passenger**

1. A passenger shall have the right to:



1) acquire a ticket to passenger seat of any category for travel to any port (point) mentioned in a schedule of movement of ships or declared on route of ship;

2) carry one child at the age up to seven years on a gratuitous basis without the right of providing the separate place, and in international communication – up to five years; acquire tickets for children at the age from seven to fifteen years with payment of fifty percent from total cost of ticket upon carriage carried out by a carrier of the Republic of Kazakhstan, in international communication – for children at the age from five to twelve years;

3) carry cabin baggage on a gratuitous basis (things taken in stride, not restraining other passengers with a length no more than 1,8 metre or overall length along the perimeter no more than 2,6 metre), total weight of which is no more than thirty six kilograms, and on high speed ships – no more than twenty kilograms. Responsibility for preservation of cabin baggage shall be borne on its owner.

Passengers from among persons with disabilities and handicapped population groups shall additionally have the right to carry with them technical auxiliary (compensatory) means and special transport means intended for personal use free of charge;

4) register luggage for carriage for payment in accordance with tariff on carriage of luggage;

5) make a stop in sailing line and extend the validity term of travel document (ticket) no more than for ten days upon travelling on ships in the distance of five hundred kilometres and more;

6) extend the validity term of ticket in case of disease approved by the document of medical institution, for the time of disease or return the ticket and receive carriage charge;

7) refuse from contract of carriage, return ticket before departure of ship at any time, and after beginning of voyage in any port of stop of the ship, in the manner established by the rules of carriage of passengers, and receive carriage charge for the part of route not covered by the ship;

8) refuse from contract of carriage in case of delay of ship's departure and receive carriage charge.

2. A passenger shall be obliged to:

1) represent document certifying identity upon acquisition of travel document (ticket), upon travel and verification of travel document (ticket) in sailing line;

2) have travel document (ticket) upon boarding on ship and in sailing line until the end of travel;

3) comply with public order, rules of using ships and objects located on coast, intended for servicing carriage of passengers, as well as treat to the property of a carrier with due care.

**Footnote. Article 52 with the changes made by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

## **Article 53. Termination or alteration of contract of carriage of passenger at the initiative of a carrier**

1. A carrier shall have the right to dissolve contract of carriage of passenger unilaterally in case of:

1) impossibility of carriage of passenger to the destination port due to insuperable force, military actions, emergency situations of social, nature and technogenic character or other reasons not depended from the carrier;

2) detention of ship on the basis of decision of the relevant state bodies or engagement of the ship for state requirements;

3) loss of ship or its forcible seizure;

4) violation of the rules of carriage of passengers or refusal of a passenger from compliance of such rules.

2. Upon termination of contract of carriage at the initiative of a carrier before departure of ship, a passenger shall be refunded by payment for travel and luggage transportation, and upon termination of mentioned contract before completion of voyage – payment for travel and luggage transportation for a distance not covered by ship.

In case if termination of mentioned contract is caused by violation of the rules of carriage of passengers by a passenger or his (her) actions substituting a security threat of shipping, life and health of other passengers, payment for travel and luggage transportation shall not be refunded to a passenger.

3. Upon termination of contract of carriage of passenger at the initiative of a carrier during the voyage of ship, a carrier shall be obliged to deliver a passenger to the port of departure at own expense upon his (her) request or to the nearest inhabited locality for the purpose of ensuring of possibility to the passenger to arrive at the port of destination, as well as compensate for loses inflicted to the passenger due to the fault of the carrier with the exception of cases mentioned in subparagraph 4) of paragraph 1 of this Article.

**Footnote. Article 53 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).**

## **Article 54. Unclaimed luggage**

1. In case when a passenger didn't receive luggage by the reasons not depended from a carrier, the carrier shall be obliged to keep it in port of arrival within three months from the date of arrival.

2. Upon expiration of time limits of storage mentioned in paragraph 1 of this Article, unclaimed luggage may be sold.

3. A presented of luggage ticket shall have the right to receive collected funds with the deduction of losses inflicted by a carrier upon storage of unclaimed luggage and its sale in accordance with paragraph 2 of this Article within the limitation period.

## **Article 55. Mail transportation**

1. Operators of mail are granted the right to transport mailings accompanied by the workers for the established payment on the vessels making the regular flights.

On the vessels transporting mailings accompanied by employees of operators of mail rooms on a paid basis are in accordance with the established procedure provided for exercise of post activity, storage of mailings and rest of employees of operators of mail.

2. The order of transportation of mailings by the inland water transport is established by authorized body in the field of mail.

3. Carrier responsibility to operators of mail for loss, shortage, damage and (or) because of carrier the extent of responsibility which is born by operators of mail before the sender or the addressee cannot exceed a delay of delivery of mailings.

**Footnote. Article 55 in edition of the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced after ten calendar days after day of its first official publication).**

## **Chapter 11. Carriage of cargo**

### **Article 56. General provisions**

1. Carriage of cargo on inland water transport shall be carried out in accordance with the Civil Code of the Republic of Kazakhstan, this Law, other regulatory legal acts and cargo contract of carriage.

2. The procedure of goods transportation on the inland water transport (further – rules of goods transportation) is approved by authorized body.

The following conditions and procedure shall be determined in the rules of carriage of cargo:

- 1) representation and receipt of cargo for carriage;
- 2) drawing up of invoice and carriage documents;
- 3) loading, unshipping of cargo;
- 4) transportation of cargo in bulk and in a heap;
- 5) carriage of perishable cargo;
- 6) determination of cargo weight;
- 7) requirements to ships and containers;
- 8) sealing of ships and containers;
- 9) placement and securing cargo on ships;
- 10) ship presentation for loading and unshipping of cargo;
- 11) settlement on carriages;
- 12) terms of delivery and calculation of date of delivering cargo;
- 13) regulations, readdressing and return of cargo;
- 14) storage, retention and release of cargo;
- 15) sale of cargo;
- 16) carriage of hazardous cargo;

17) readdressing of cargo;

18) cleaning of ship.

**Footnote.** Article 56 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 396-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 №. 239-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 56-1. The mixed goods transportation**

The relations of carriers and also other persons participating in transportation of goods by different types of transport according to the uniform commodity-transport consignment note (the uniform consignment) are defined by acts of the Republic of Kazakhstan for transport.

**Footnote.** Chapter 11 is added with article 56-1 according to the Law of the Republic of Kazakhstan dated 27.10.2015 №. 363-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 57. Agreement on organization of carriage of cargo**

Carriers, senders of freight shall have the right to conclude long term agreements on organization of carriage of cargo in case of necessity of carrying out systematic carriage of cargo.

In accordance with agreement on organization of carriage of cargo, a carrier shall be obliged to receive cargo in established terms, and sender of freight – to represent them for carriage in conditioned volume. Agreement shall established volumes, terms and other conditions of representing transport means and representing cargo for carriages, procedure for settlements, as well as other conditions of organizing carriage of cargo not provided by the legislative acts of the Republic of Kazakhstan.

#### **Article 58. Cargo contract of carriage**

1. Contract of carriage of cargo shall be executed by drawing up carriage documents – bill of lading, memorandum bill (drawn up on the basis of bill of lading) and check on receipt of cargo for carriage.

2. Forms and procedure for filling carriage documents shall be established by the rules of carriage of cargo and are compulsory for individuals and legal entities linked with carriage of cargos on inland water transport.

#### **Article 59. Carriage of hazardous cargo**

1. The navigation order is determined by internal waterways of the vessels, rafts and other floating objects transporting dangerous freights by the authorized body and international treaties ratified by the Republic of Kazakhstan.

2. Objects on which production, loading, unshipping, storage and transportation of hazardous cargo are carried out shall be moved away from inhabited localities, buildings, constructions, structures, agricultural lands in necessary distances in accordance with the state construction rules and regulations.

3. The sender (consignor) of dangerous cargo shall be obliged to prepare the cargo for transportation in such a way as to ensure safety of traffic, safety of cargo and vessel, the carrier of dangerous goods is obliged to ensure safety of their transportation, to avail of means and mobile units necessary for liquidation of emergency situations and their consequences (including by contract).

If an emergency situation happens during transportation of dangerous goods, the carrier shall be obliged to ensure immediate dispatch of the indicated units to the place of accident.

**Footnote. Article 59 with the change made by the Law of the Republic of Kazakhstan dated 29.09.2014 №. 239-V (shall be enforced after ten calendar days after day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).**

#### **Article 60. Consequences of impossibility of delivering cargo**

1. Upon impossibility of delivering cargo received for carriage to the port of destination or release to a person mentioned in bill of lading due to insuperable force, military actions, issuance of the act by state bodies including local representative and executive bodies (public act), natural phenomena, emergency situations of social, nature and technogenic character or other reasons not depended from a carrier, the carrier shall notify a sender of freight, receiver of cargo and organizations carrying out cargo-handling operations in the ports of departure and destination specifying the reasons impeding cargo delivery and request regulation of the sender of freight, receiver of cargo about how to deal with the cargo.

If a carrier doesn't receive regulations of a sender of freight, receiver of cargo about how to deal with cargo, or receives designedly impossible regulation upon four days (in respect of perishable cargo – two days), the carrier shall have the right to unship cargo in one of the nearest ports, informing a sender of freight, receiver of cargo, or return cargo to the port of departure depending on that what is more profitable for the sender of freight, receiver of cargo at his (her) opinion.

2. In case if cargo requires special conditions of storage (perishable) and its storage is impossible and may lead to its waste, a carrier shall have the right to sell cargo.

Sum collected from selling cargo shall be contributed under conditions of deposit in the name of notary officer with the deduction of the sum accrued to the carrier.

3. Cargo withdrawn from commerce and restricted in turnover in accordance with the legislation of the Republic of Kazakhstan, as well as special and military oriented cargo intended for satisfying the state and defence requirements.

4. In case if cargo was received for carriage before occurrence of the term of termination of compulsory receipt of cargo for carriage and ship was delayed on the way due to long preclusion of continuation of voyage, with the exception of the reasons mentioned in paragraph 1 of this Article, a carrier shall be obliged to take measures on dispatching of cargo to the port or other destination point by other type of transport or sell it in the manner provided by Article 61 of this Law in coordination with a sender of freight.

Carriage charge for uncovered distance shall be returned to a sender of freight or receiver of cargo paid the carriage of cargo. Unshipping and storage of cargo in port shall be carried out at the expense of a carrier.

5. In case if cargo is received for carriage after maturity of the term of terminating the compulsory receipt of cargo for carriage and delayed on the way due to long preclusion of continuation of voyage, with the exception of the reasons mentioned in paragraph 1 of this Article and there is no regulation from a sender of freight, receiver of cargo within four days about how to deal with cargo, a carrier shall have the right to keep it for storage before appearance of possibility of continuation of the voyage at his (her) discretion, at the expense of the sender of freight, as well as on ship for internavigational period, or sell cargo in the manner provided by Article 61 of this Law.

**Footnote. Article 60 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).**

#### **Article 61. Procedure for selling cargo**

1. Sale of cargo in cases provided by this Law, with the exception of cargo mentioned in paragraph 3 of this Article shall be carried out:

- 1) in accordance with buy and sell agreement proceeding from the price for cargo confirmed by documents on paying their cost;
- 2) by agreement of parties proceeding from the price that usually shall be recovered for analogous goods upon comparable circumstances.

The order of accounting of the realized freights and calculations for them is defined by authorized body.

2. Sum received from the sale of cargo, with the deduction of payments and expenses for their sale accrued to a carrier shall be subject to transfer to a receiver of cargo in case of paying the cost of cargo by him (her) or a sender of freight in other cases.

In case if the sum collected for selling cargo is deficiently for covering payments and expenses for storage and sale of cargo accrued to a carrier, the carrier shall have the right to collect a sum that is not received from a sender of freight.

3. A carrier shall have the right to sell cargo sooner than terms provided by this Law, in case if cargo is perishable or expenses for storage of cargo exceed the cost of cargo within mentioned terms.

**Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 №. 239-V (shall be enforced after ten calendar days after day of its first official publication).**

#### **Article 62. Agreement of transport expedition**

1. According to transport expedition, one party (expediter) shall be obliged to perform or organize performance of services determined by agreement, linked with carriage of cargo, as

well as conclude contract of carriage of cargo in the name of a client or in the own name for remuneration and at the expense of other party (client, sender or receiver of cargo).

2. Agreement of transport expedition shall be concluded in accordance with civil legislation of the Republic of Kazakhstan.

## **Chapter 12. Towage of ships, float boats and other floating objects**

### **Article 63. Agreement of towage of ships, float boats and other floating objects**

1. In accordance with agreement of towage of ships, float boats and other floating objects, one party (tower) shall be obliged to tow the ship, float, floating object to the port of destination in due time and in safe keeping, in compliance with conditions of towage and deliver it to a person mentioned in bill of lading, and other party (sender) shall be obliged to represent towed object for towage and pay for it.

2. Towage of the towed objects (further – towage) is carried out according to the contract of towage and Rules of vessels towage, rafts and other floating objects approved by authorized body. Rules of vessels towage, rafts and other floating objects define an order and conditions:

- 1) drawing up of invoice, carriage and other documents;
- 2) organization of towages;
- 3) payment of services on towage;
- 4) representation of towed object for towage;
- 5) requirements to composition of crew team, float boats and other floating objects and persons carrying out towage;
- 6) departure, receipt and delivery of towed object.

**Footnote. Article 63 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 № 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 №. 239-V (shall be enforced after ten calendar days after day of its first official publication).**

### **Article 64. Responsibility upon towage of ships, float boats and other floating objects**

1. Towage of ships, float boats and other floating objects on inland waterways or on aquatic area of port shall be carried out under management of captain of towed ship.

Possessor and (or) owner of towed ship shall bear responsibility for damage inflicted to towed ship, float boat or other floating object, people or property being on them, unless he (she) proves that this damage is inflicted not due to his (her) fault.

2. In case if agreement of towage imposed the obligation on management of towage on a captain of towed ship, the responsibility for damage inflicted upon such towage to towed ship, people or property being on it shall be borne by possessor and (or) owner of towed ship, float boat or other floating object, unless he (she) proves that the damage is inflicted not due to his (her) fault.

## **Chapter 13. General accident. Rescuing of ships and other property**

### **Article 65. Regulation of relations arising upon general accident, rescuing of ships and other property**

Regulation of relations arising upon general accident, rescuing of ships and other property on inland transport shall be carried out in accordance with the legislation of the Republic of Kazakhstan on merchant shipping in recognition of special aspects established by this chapter.

### **Article 66. Contributory value of property**

1. Total value of property (ship, cargo and carriage charge) in proportion to which, the contributions to covering losses compensated in the manner of distribution of general accident (contributory value) are established, shall be determined in accordance with provisions established by this Article, on the basis of real net cost of this property on completion of the voyage of ship.

2. Contributory value of ship shall be determined proceeding from the cost of ship in damaged condition.

3. Contributory value of cargo shall be determined at the moment of unshipping of cargo proceeding from the cost established on the basis of commercial invoice issued to a receiver of cargo, in the absence of such invoice – on the basis of the cost of cargo at the moment of its shipping. Cost of cargo includes expenses for insurance and carriage charge, if the risk of losses is carried by a sender of freight. From the cost of cargo, the sums of all losses from loss or damage of cargo before its unshipping or during unshipping shall be deducted.

4. Contributory value of carriage charge is equal to lost carriage charge, if the risk of losses is carried by a carrier.

5. Contributory value of property (ship, cargo and carriage charge) shall be added by sum compensated in the manner of distribution of general accident, if only this sum is not included in it.

6. Any means of strengthening cargo package shall be considered in contributions on general accident equally with cargo.

### **Article 67. Average statement and average stater**

Upon the application of interested persons, the existence of general accident shall be established and settlement on its distribution (average statement) shall be drawn up by average stater.

### **Article 68. Burden of evidence**

Party requiring distribution of general accident shall be obliged to prove that applied losses shall be recognized as general accident.

### **Article 69. Convoy of ships**

1. Convoy of ships is a group of ships connected against each other in such manner that each ship of this group of ships may not carry out movement separately.



2. In case if the actions were committed for the purpose of carrying out rescue operations in respect of one (or) several ships of convoy and their cargo from the general danger to them, the provisions established by the legislation of the Republic of Kazakhstan on merchant shipping shall be applied in recognition of provisions established by this chapter.

Ship of convoy shall not be recognized as ship being in general danger together with other ship in convoy, if it is in safety in the result of detachment from other ship or other ships.

3. Upon determination of contributory value in respect of convoy of ships, the ship and cargo is total cost of all ships of convoy and cargo being in general danger.

#### **Article 70. Place of asylum**

1. General accident is expenses for calling ship at port or another place of asylum due to high water, ice floe, sudden and impetuous lowering the water level on inland waterways or upon other emergency circumstances linked with necessity of calling the ship at port or other place of asylum, its stay in port or other place of asylum and leaving of the port or other place of asylum. Expenses shall be subject to compensation in case of return of ship with cargo to port of loading.

2. In case if high water or ice floe are occurred after calling the ship with cargo at port of unshipping and the ship shall leave this port until completion of unshipping of cargo for the purpose of calling at other, safe port, this port shall be considered as port of asylum.

3. In case if ship may not continue voyage and shall stay in port after unshipping of part of cargo intended for this port due to high water or ice floe, it shall be considered as port of asylum for such ship only in respect of cargo intended for other ports.

#### **Article 71. General accident caused by damage of machines, intended stranding, lifting of sunken ship and fire on ship**

1. General accident caused by damage of machines, intended stranding, lifting of sunken ship and fire on ship is expenses for elimination of damages arising in the result of changing the work of machines, as well as upon approach of the ship to refloat, damage of steering, propeller, towing, other arrangements.

2. General accident caused by damage of machines, intended stranding, lifting of sunken ship and fire on ship is losses from damages caused to the ship and (or) cargo by intended stranding or its intended drowning.

3. In case if ship with cargo was drowned due to accident, the expenses for lifting the ship with cargo and the relevant losses shall relate to general accident.

4. Losses inflicted to ship and (or) cargo due to damage of the ship by water or otherwise, as well as losses from running ashore or drowning of the ship on fire shall be recognized as general accident.

#### **Article 72. Losses from loss of carriage charge**

Unpaid carriage charge for lost, forcibly dropped cargo shall be compensated in amount of lost carriage charge.

#### **Article 73. Percent to losses compensated in the manner of distribution of general accident**

Seven percent per annum shall be accrued within three months from the date of drawing up of average statement on a sum of expenses and other sums compensated in the manner of distribution of general accident (losses). By this, the payments made at the expense of parties participated in covering general accident or deposited for its compensation of funds shall be considered in a proper manner.

#### **Article 74. Partial unshipping of cargo from one ship and its loading to other ship**

In case if ship shall carry out partial unshipping of cargo with its further storage on coast or in other ship, the general accident shall include:

1) expenses for unshipping of cargo from the ship, its storage and back loading of cargo on the ship;

2) expenses for lease of ship on which the partial loading of cargo is carried out;

3) losses and expenses for repairing damages sustained by ship, on which the partial loading of cargo was carried out, as well as losses linked with removal of such ship from operation;

4) expenses caused by damages occurred on the ship having an accident during unshipping of cargo from it or its loading on other ship;

5) losses and expenses linked with loss, deficiency or damage (waste) of cargo upon its unshipping, storage and loading;

6) insurance premiums paid to insurers for additional insurance.

#### **Article 75. Exclusion of indirect losses**

1. General accident shall include only the losses that are direct consequence of the general accident.

2. Losses inflicted by delay of ship during the voyage, change of prices and other indirect losses shall not be recognized as general accident.

### **Chapter 14. Sunken property**

#### **Article 76. Sunken property**

1. Sunken property shall include the ships suffering wreck, their shipwrecks, equipment, cargo and other subjects independently from that if they are afloat or under water, reached the bottom within inland waterways, stranded or washed ashore.

2. Provisions of this chapter shall not apply to:

1) lifting, removal and destruction of sunken military property;

2) lifting of sunken property having archaeological or historical significance, if such property is on bottom within inland waterways.

#### **Article 77. Obligation of possessor in lifting sunken property**

1. In cases if sunken property constitutes security threat of shipping or infliction of damage to environment by pollution or impedes carrying out of trading of aquatic biological resources, activity on inland water transport and engineering works performed within inland waterways, a possessor of sunken property shall be obliged to lift the sunken property upon

request of authorized body within established term and to remove or destruct it in case of necessity.

2. In case if a possessor of sunken property is known, authorized body shall notify him (her) about procedure and term of lifting, removal or destruction of sunken property.

In case if a possessor of sunken property is not known, authorized body shall publish details about terms established for lifting the sunken property in mass media.

3. In case if a possessor of sunken property doesn't file application after publication of details about sunken property, the things comprising the property shall be recognized unowned in accordance with the civil legislation of the Republic of Kazakhstan.

#### **Article 78. Lifting of sunken property by its possessor**

1. A possessor of sunken property shall be obliged to inform authorized body about his (her) intention to lift this property within one year from the date when the property sank.

2. Authorized body shall establish procedure for lifting within three months from the date of receipt of application of a possessor of sunken property, as well as term for lifting sunken property that shall be less than one year from the date of receiving notification of authorized body by the possessor about procedure and term of lifting the sunken property.

#### **Article 79. Lifting, removal or destruction of sunken property by enterprises of authorized body**

1. Enterprises of authorized body shall have the right to lift sunken property, and remove or destruct it in cases of necessity as follows:

1) if possessor of sunken property didn't lift sunken property and didn't remove (destruct) it within the term established by authorized body;

2) if possessor of sunken property is not established, for the purpose of prevention of accident, disease or catastrophe that may lead death of people, inflict harm to their life and health, environment and objects of economic management, significant material losses and violations of living environment of population;

3) if possessor of sunken property applies means not conforming to requirements of technical safety established by the legislation of the Republic of Kazakhstan for lifting, removal, destruction;

4) if possessor of sunken property is not identified within one year from the date when the property sank.

2. If possessor of sunken property is known, the lifting, removal or destruction of such property shall be carried out at his (her) expense in cases provided by paragraph 1 of this Article.

3. Sunken property lifted in accordance with paragraph 1 of this Article may be reclaimed by its possessor after compensation for expenses by him (her) for lifting of sunken property and other expenses inflicted due to this upon condition, if no more than one year passed from the date of lifting of sunken property.

## **Article 80. Right of enterprise of authorized body of full compensation for expenses inflicted by him (her)**

Upon expiry of term provided by paragraph 3 of Article 79 of this Law, upon recognition of sunken property as unowned by court, the enterprise of authorized body shall have the right to:

1) sell lifted sunken property or its part in the manner established by the legislation of the Republic of Kazakhstan and receive compensation for expenses of its lifting and other expenses inflicted due to this at the expense of the sum collected from its selling;

2) receive compensation from possessor of sunken property for expenses, not covered by the sum collected from its sale, and upon destruction of sunken property – compensation for expenses inflicted due to destruction of such property.

## **Article 81. Accidentally lifted sunken property**

Sunken property lifted accidentally within inland waterways upon carrying out of operations linked with shipping shall be delivered to authorized body that shall be obliged to take measures in respect of such property provided by the civil legislation of the Republic of Kazakhstan.

## **Chapter 15. Responsibility for obligations arising from carriage**

### **Article 82. Responsibility for violation of obligations on carriage**

1. In case of non-fulfillment or improper fulfillment of obligations arising from carriage, the parties shall bear responsibility on the grounds and in amounts established by the Civil Code of the Republic of Kazakhstan, this Law, international treaties of the Republic of Kazakhstan, rules of carriage, as well as agreements concluded on their basis.

2. Agreements of parties having a purpose to restrict or remove responsibility established by this Law shall be invalid.

Parties upon mutual agreement shall have the right to increase amount of responsibility established by this Law, as well as provide additional agreement under contract of carriage.

3. The relative responsibility of carriers for non-execution or inadequate performance of obligations, including at the mixed transportations and the international message, is determined by transportation by the present Law, acts of the Republic of Kazakhstan for transport, international treaties and agreements between carriers.

4. In case of carrying out of carriage by several carriers, they shall bear joint and several responsibility before a sender of freight, receiver of cargo for loss, deficiency or damage (waste) of cargo, luggage, and the last carrier shall bear responsibility for delays of delivering cargo, luggage, unless he (she) proves that delay occurred not due to his (her) fault.

5. A carrier shall have the right to submit recourse claim to other carrier, sender of freight, receiver of cargo, expediter, if he (she) incurs responsibility occurred due to their fault.

Footnote. Article 82 with changes added by the Law of the Republic of Kazakhstan dated 27.10.2015 №. 363-V (shall be enforced after ten calendar days after day of its first official publication).

**Article 83. Late charge**

1. For non-fulfillment or improper fulfillment of obligations on carriage, the late charge shall be paid in amounts established by the Civil Code of the Republic of Kazakhstan or agreement.

2. For arrears of paying the payments owing to a carrier, the late charge shall be recovered in amount of responsibility for illegal use by other people's money in accordance with the Civil Code of the Republic of Kazakhstan.

**Article 84. Responsibility of a carrier for infliction of harm to life and health of passenger**

1. A carrier shall bear responsibility on obligations arising due to infliction of harm to life and health of passenger upon carriage in accordance with the legislation of the Republic of Kazakhstan, unless contract of carriage provides enhanced responsibility of the carrier.

2. Responsibility of a carrier shall occur for infliction of harm to life and health of passenger during his (her) stay on ship and in the territory of port upon boarding (unloading) on the ship.

**Article 85. Responsibility for violation of terms of delivering passenger and luggage**

1. For delay of departing the passenger ship or its arrival to port of destination behind time (with the exception of carriage in city and suburban communication, as well as on crossings), a carrier shall pay a penalty to passenger in amount of three percent of carriage charge for every hour of delay or being late, unless the carrier proves that such delay or arrival behind time occurred due to insuperable force.

Sum of collected penalty may not exceed amount of carriage charge. Payment of mentioned penalties shall be performed upon application of passenger in accordance with the rules of carriage of passengers.

2. For each day of arrears of delivering luggage, a carrier shall pay penalty to passenger or person being authorized for receipt of luggage in amount of five percent of carriage charge, but no more than amount of carriage charge, unless he (she) proves that the arrears occurred not due to his (her) fault.

**Article 86. Responsibility for ticketless travel and carriage of passengers, carriage of cabin baggage and luggage without payment**

For ticketless travel and carriage of passengers, as well as carriage of cabin baggage and luggage without payment, guilty persons shall be subject to administrative responsibility in the manner provided by the Code of the Republic of Kazakhstan on administrative infractions.

**Article 87. Responsibility of a carrier for loss, deficiency or damage (waste) of cargo, luggage**

1. A carrier shall ensure preservation of cargo, luggage from the date of their receiving for carriage and until delivery to sender of freight, passenger or person being authorized for receipt of luggage.

A carrier shall bear responsibility for loss, deficiency or damage (waste) of cargo or luggage in accordance with the civil legislation of the Republic of Kazakhstan, unless he (she) proved that deficiency or damage (waste) occurred not due to his (her) fault.

2. For loss, deficiency or damage (waste) of cargo, luggage received for carriage without declaration of valuation, a carrier shall bear responsibility in amounts and case of:

1) loss or deficiency of cargo, luggage – in amount of the cost of lost or deficient cargo, luggage;

2) damage (waste) of cargo, luggage – in amount of sum on which the cost of cargo, luggage is reduced, and in impossibility of restoration of damages cargo, luggage – in amount of its cost.

3. For loss, deficiency or damage (waste) of cargo, luggage received for carriage with declaration of valuation, a carrier shall bear responsibility in amount of declared value.

4. Cargo, luggage shall be considered lost if they do not arrive to port of destination upon expiry of thirty days after completion of the term of delivery and cost of such cargo, luggage shall be subject to compensation in amount provided by paragraph 2 of this Article.

In case of arrival of cargo, luggage upon expiry of mentioned terms, a receiver of cargo or a person authorized for receiving luggage shall have the right to receive them upon refund of sum previously received for loss of cargo or luggage to a carrier.

5. Cost of cargo or luggage shall be determined proceeding from its price mentioned in invoice of a seller or provided by agreement, and in the absence of invoice or indication of price – proceeding from the price that shall be recovered for analogous goods as a rule upon comparable circumstances.

6. A carrier together with compensation of established damage caused by loss, deficiency or damage (waste) of cargo, luggage shall refund carriage charge to a receiver of cargo, passenger or person being authorized for receiving cargo, luggage, received for carriage of such cargo, luggage, if the carriage charge is not included in the cost of cargo or luggage.

7. A carrier shall not bear responsibility for preservation of luggage, following together with passenger as cabin baggage, except for cases of waste of luggage due to the fault of the carrier.

#### **Article 88. Responsibility for non-fulfillment of application according to plan of carriage of cargo or towage of ships of towed objects**

A carrier, tower for deficiency of transport vehicles for carriage of cargo or towing of towed object in accordance with accepted application or agreement, a sender of freight or sender of towed object for non-presentation of cargo or towed object, as well as non-use of presented transport vehicles on other reasons shall bear responsibility in the type of penalty in the following amounts:

1) upon carriage of cargo on ship and towing of floating object – 0,3 of amount of monthly calculation index established by the Law on republican budget for the relevant financial year, for each ton of cargo or towed object;

2) upon carriage of cargo in containers:

1,5 of amount of monthly calculation index established by the Law on republican budget for the relevant financial year, for each container with a gross weight up to 5 ton included;

3,5 of amount of monthly calculation index established by the Law on republican budget for the relevant financial year, for each container with a gross weight from 5 to 10 tons included;

7 of amounts of monthly calculation index established by the Law on republican budget for the relevant financial year, for each container with a gross weight over 10 tons.

#### **Article 89. Responsibility of a sender of weight, receiver of cargo**

1. For incorrect specification of the name of cargo, special notes and necessary protective measures upon carriage of cargo in bill of lading, for representing cargo prohibited for carriage or incorrect specification of proprieties of cargo, the penalty in amount of five-fold payment shall be recovered from a sender of freight for carriage of such cargo for all the distance of its carriage independently from compensation of losses of a carrier caused by this circumstance.

2. For demurrage of ships above permitted standards and delay of return of containers, a sender of freight, receiver of cargo due to the fault of which they occurred, shall pay penalty the amount of which shall be established by agreement of parties.

3. For non-clearance of ships or containers after unloading of cargo, a receiver of cargo shall be obliged to pay the cost of works on clearance in two-fold amount to a carrier. A carrier shall have the right to refuse from clearance of uncleared ship or container pending to performance of works by a receiver of cargo on its clearance with recovery of penalty for demurrage of ship or container above permitted standards.

4. For damage of ship, container or means of packing, the guilty party shall be recovered by the cost of necessary repair.

#### **Article 90. Responsibility of a tower for loss or damage (waste) of towed object**

1. A tower shall bear responsibility for loss or damage (waste) of towed object from the date of its receipt and till the date of its delivery to a receiver, unless he (she) proves that the loss or damage (waste) occurred not due to his (her) fault.

2. In case of loss of towed object, the damage in amount of the cost of lost towed object and payment for its towage shall be recovered from a tower, if this payment is not included in the cost of lost towed object.

3. Upon damage (waste) of towed object, the cost of repair of towed object determined by a sender or receiver of towed object shall be recovered from a tower. Upon occurrence of disagreements, the cost of repair of towed object may be assessed by independent expert determined by parties.

4. Is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

5. Towed object shall be considered as lost, if it doesn't arrive to port (point) of destination upon expiry of ten days after termination of the term of towing mentioned in agreement.

**Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 91. Responsibility for violation of terms of delivering cargo or towed object**

For each days of arrears of delivering cargo or towed object, a carrier or tower shall pay penalty in amount of nine percent of carriage charge to receiver of cargo or receiver of towed object, but no more than fifty percent of carriage charge, unless he (she) proves that the arrears occurred not due to his (her) fault.

#### **Article 92. Responsibility upon carrying out of carriage of cargo in direct mixed communication**

**Footnote. Article 92 is excluded by the Law of the Republic of Kazakhstan dated 27.10.2015 №. 363-V (shall be enforced after ten calendar days after day of its first official publication).**

#### **Article 93. Release from responsibility**

1. Parties may be released from responsibility for non-fulfillment or improper fulfillment of obligations arising from contract of carriage, towing on the grounds provided by the Civil Code of the Republic of Kazakhstan, this Law, international treaties of the Republic of Kazakhstan.

2. Parties shall be released from responsibility, if non-fulfillment or improper fulfillment of obligations is occurred due to:

1) insuperable force, as well as emergency situations of social, natural and technogenic character;

2) military actions, imposition of emergency situation;

3) termination or restriction of transfer of cargo, movement of ships, float boats and other floating objects, declared in the manner established by the legislation of the Republic of Kazakhstan.

3. As well, a carrier, tower shall be released from responsibility upon:

1) non-fulfillment or improper fulfillment of obligations due to the fault of passenger, sender of freight, receiver of cargo, sender, receiver, expediter;

2) non-preservation of cargo, luggage due to latent defect of transport packing or their proprieties;

3) difference in cargo weight within the norms of natural loss, norms of lowering of humidity and norms of discrepancies in indications of weights of devices, as well as difference in cargo weight received for carriage on weight determined by a sender of freight without participation of a carrier;

4) carriage of cargo accompanied by a conductor of sender of freight or receiver of cargo.



4. A sender of freight, sender shall be released from responsibility, if a cargo or towed object was not presented for carriage or towing due to circumstances.

**Footnote. Article 93 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).**

## **Chapter 16. Compensation for harm inflicted upon carrying out of activity on inland water transport**

### **Article 94. Responsibility for harm inflicted upon carrying out of shipping and other activity on inland waterways**

Damage caused by individuals and legal entities as a result of damage or destruction of navigational equipment, navigable hydraulic structures (locks), ship passages and other facilities is subject to compensation in accordance with the Civil Code of the Republic of Kazakhstan.

**Footnote. Article 94 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 95. Responsibility for harm inflicted in the result of collision of ships**

1. Harm inflicted upon collision of ships shall be compensated in the manner established by the Civil Code of the Republic of Kazakhstan.

2. In case if collision of ships is occurred due to the fault of two or more parties, the responsibility for inflicted harm shall be determined in proportion to the level of fault of each of them.

In case if it is impossible to establish the level of fault of each of them proceeding from circumstances, the responsibility shall be distributed between them equally.

3. For harm inflicted to life and health of a citizen, parties shall be jointly and severally responsible in accordance with the civil legislation of the Republic of Kazakhstan.

### **Article 96. Grounds releasing from responsibility for harm inflicted in the result of collision of ships**

1. In case of absence of parties' fault in infliction of harm upon collision of ships, collision due to insuperable force or impossibility of establishing the reasons of collision, none of parties shall not have the right to require compensation for harm.

In this case, each party shall bear the risk of losses inflicted by it.

2. Provisions established by paragraph 1 of this Article shall be applied in case, if the ships or one of them were at anchor at the moment of collision or were fastened by other method.

## **Chapter 17. Acts, claims, suits and limitation of actions**

## Article 97. Acts

1. Circumstances that may serve as ground for property responsibility of carriers, receivers of cargo, senders of towed objects and their receivers, as well as passengers upon carrying out of the relevant carriage shall be certified upon the applications of commercial acts or standard form acts.

Forms of commercial act and standard form act, as well as the rules of their drawing up shall be established by the rules of carriage of cargo and rules of carriage of passengers and luggage.

2. A carrier shall be obliged to draw up commercial act upon delivery of cargo, luggage or towed object for certification of the following circumstances:

1) non-conformance of factual name of cargo, luggage or towed object, weight of cargo or luggage, quantity of cargo items or article of luggage to data mentioned in carriage document;

2) losses, deficiencies or damage (waste) of cargo, luggage or towed object;

3) detection of cargo, luggage or towed object without carriage documents, as well as carriage documents without cargo, luggage or towed object;

4) is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

5) return of stolen cargo, luggage or towed object to a carrier.

A carrier shall be obliged to make a note in carriage documents on drawing up of commercial act.

Refuse from drawing up of commercial act or its drawing up with violation of established requirements may be appealed in the manner established by the legislation of the Republic of Kazakhstan.

3. Deficiency or waste of cargo transferred in bulk shall be certified by carriage documents in the manner established by the rules of carriage of cargo.

4. Commercial act shall not be drawn up in cases:

1) of deficiency of weight of cargo within the norms of natural losses, norms of lowering humidity percentage or impurity content upon carriage of cargo, norms of discrepancies in indications of weights of devices, difference in cargo weight received for carriage proceeding from conditions of settlement following the results for navigation;

2) delivery of cargo, delivery of which is carrier out on technically sound ship or in container with undamaged locking luting devices or accompanied by a representative of a sender of freight or receiver of cargo.

5. Standard form acts shall be drawn up in case of certifying circumstances not provided by paragraph 2 of this Article.

6. Parties participated in drawing up of act shall have the right to refuse from its signing. Upon disagreement with content of act, parties shall have the right to state there their opinion.

7. Persons that drew up or signed the act containing untrustworthy information shall bear responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Article 97 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 98. Right of submission of claims and suits**

1. The following persons shall have the right of submission of claims and suits to a carrier or tower:

1) in case of loss of cargo or towed object – a sender of freight, receiver of cargo or sender of towed object, receiver of towed object upon condition of representing a check on receipt of cargo for carriage or towed object for towage by them with the mark of a carrier or tower on non-arrival of cargo or towed object;

2) in case of deficiency or damage (waste) of cargo, damage of towed object – a receiver of cargo or receiver of towed object upon condition of representing bill of lading, commercial act or carriage document by them upon carriage of cargo in bulk, and in the absence of commercial act – document on appealing refusal in drawing up of commercial act;

3) in case of payment of carriage charge and other payments in amount in excess – a sender of freight, receiver of cargo or sender, receiver of towed object upon condition of representing bill of lading;

4) upon loss of luggage – a passenger upon representing luggage ticket;

5) in case of deficiency or damage (waste) of luggage – a presenter of issued commercial act on deficiency or damage (waste) of luggage by a carrier;

6) in case of delay of departure or arrival of passenger ship behind time – a passenger upon representing a ticket;

7) in case of non-compliance with terms of delivering cargo or towed object – a receiver of cargo or receiver of towed object upon condition of representing bill of lading.

2. Right of submitting claims and suits established by this Article may be transferred to a sender of freight, receiver of cargo and other individuals and legal entities upon condition of proper execution of mandate agreement or trust agreement.

#### **Article 99. Conditions and procedure for submitting claims**

1. Claims arising from contract of carriage (towage) may be submitted to a carrier within the term of limitation of action.

2. Claims arising due to carriage of passengers, luggage, cargo or towage of towed objects shall be submitted to carriers or towers according to their location.

3. The claims on loss, deficiency or damage (waste) of cargo, except for carriage documents shall be attached by documents confirming the right of submitting claims and documents certifying the number and cost of shipped cargo. Carriage documents shall be represented in original.

#### **Article 100. Terms of considering claim**

1. Claim shall be subject to consideration within two weeks term from the date of its receipt.

2. Excluded by the Law of the Republic of Kazakhstan dated 27.10.2015 №. 363-V (shall be enforced after ten calendar days after day of its first official publication).

If a claim is rejected and response is not received in term established by this Article, the right of submitting the claim of an applicant shall be created.

Footnote. Article 100 with changes added by the Law of the Republic of Kazakhstan dated 27.10.2015 №. 363-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 101. Limitation period**

1. Suits to a carrier (tower) arising from contract of carriage on inland waterways may be submitted in case of full or partial refusal of a carrier to comply with a claim or in case of non-receipt of response on submitted claim in due time from the carrier.

2. Running of the limitation periods shall begin from the date of occurrence of events serving as the grounds for submitting a claim.

3. Limitation period shall be established:

- 1) under contract of carriage (towage) of cargo – one year;
- 2) under contract of carriage of passengers and luggage – six months.

4. Suits on requirements arising due to collision of ships and carrying out of rescuing operation may be submitted within two years.

#### **Chapter 18. Final provisions**

##### **Article 102. Consideration of disputes**

Disputes arising upon carrying out of the activity in the scope of inland water transport shall be resolved in accordance with the legislation of the Republic of Kazakhstan.

##### **Article 103. Responsibility for violation of the legislation of the Republic of Kazakhstan on inland water transport**

Violation of the legislation of the Republic of Kazakhstan on inland water transport shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Article 103 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

The President  
of the Republic of Kazakhstan