

**On regulation of trading activities**

***Unofficial translation***

Law of the Republic of Kazakhstan dated 12 April, 2004 No. 544.

      The text after the words “local executive bodies” was supplemented with the words “cities of republican significance, capital, districts (cities of regional significance) in accordance with the *Law* of the Republic of Kazakhstan dated 10.01.06 No. 116-III (entered into force on January 1, 2006) (*refer to earlier version*)

       This Law regulates social relations in the sphere of trading activity, establishes the principles and organizational bases of its state regulation.

 **Chapter 1. General provisions**

      Article 1 is set out in the wording of the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.11 (entered into force upon the expiry of thirty calendar days after its first official publication) (refer to earlier version); Law of the Republic of Kazakhstan No. 535-IV dated 09.01.12 (refer to earlier version); amended in accordance with the Law of the Republic of Kazakhstan No. 269-V dated 29.12.14 (entered into force on January 1, 2015) (refer to earlier version)

**Article 1. Basic definitions used in this Law**

      The following basic definitions are used in this Law:

      Subparagraph 1 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.19.15 (refer to earlier version)

      1) automatic licensing (observation) - a temporary measure established to monitor the dynamics of exports and (or) imports of certain types of goods;

      Paragraph is supplemented by subparagraph 1-1 in accordance with the Law of the Republic of Kazakhstan dated 27.10.15, No. 364-V; set out in the Law of the Republic of Kazakhstan No. 504-V dated 21.04.16 (refer to earlier revision)

      1-1) discounted product - a product sold at a reduced price due to a deficiency or after the elimination of a deficiency;

      The article is supplemented with Subparagraph 1-2 in accordance with the *Law* of the Republic of Kazakhstan No. 504-V dated 21.04.16

      1-2) quantitative restrictions on export and (or) import - measures to quantitatively restrict foreign trade in goods that can be introduced by setting quotas;

      2) the threshold value of retail prices for socially important food products is the permissible level of retail prices (established in order to prevent unreasonable price increases and keep inflation within acceptable limits and to ensure macroeconomic stability in the country) within which an entrepreneur has the right to determine retail prices for socially important food products;

      Subparagraph 3 is set out as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.18 (refer to earlier version)

      3) the maximum allowable retail prices for socially important food products are recognized as the level of retail prices set by local executive bodies in the event that the threshold values of retail prices for socially important food products are exceeded;

      4) retail trade - entrepreneurial activity, the goal of which is selling goods intended for personal, family, home or other use, not related to entrepreneurial activity, to the buyer;

      Paragraph is supplemented by Subparagraphs 4-1 - 4-3 in accordance with the Law of the Republic of Kazakhstan dated 27.10.15, No. 364-V; set out in the Law of the Republic of Kazakhstan № 504-V dated 21.04.16 (refer to earlier revision)

      4-1) Clearance (sale) - sale of good quality products at a reduced price;

      4-2) import customs duty is a mandatory payment levied by customs authorities when importing goods into the customs territory of the Eurasian Economic Union;

      4-3) export customs duty is a mandatory payment levied by the customs authorities of the Republic of Kazakhstan when exporting goods from the customs territory of the Eurasian Economic Union;

      Subparagraph 5 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      5) extra quota custom rate - the level of import or export customs duty, established for goods imported or exported above the established tariff quota;

      Subparagraph 6 is set out in the Law of the Republic of Kazakhstan dated 27.10.15 No. 364-V (refer to earlier version)

      6) intra quota custom rate - the level of import or export customs duty, established for goods imported or exported within the established tariff quota;

      7) wholesale trade - business activities for the realization of goods intended for further sale or other purposes not related to personal, family, household and other similar use;

      8) public catering - business activities related to production, processing, sale and organization of foods consumption ;

      Subparagraph 5 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      9) permit – special document issued to the participant of foreign trade activity by authorized body in the field of regulation of trade activity on the basis of the foreign trade agreement (contract), the subject of which, are the goods, concerning which automatic licensing (observation) is established;

      10) trading area - the area of trading facilities, furnished with special equipment and designed for the presentation and display of goods, customer service and carrying out of monetary settlements with the buyers when selling the goods as well as for the passage of the buyers;

      The Paragraph is supplemented with Subparagraph 10-1 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      10-1) trading market - a separate property complex, designed for trading activities, with centralization of the functions of economic maintenance of the territory, management and protection, acting on an ongoing basis and provided with a platform for parking of vehicles within the borders of its territory, as well as corresponding sanitary and epidemiological requirements, fire safety requirements, architectural, construction and other requirements in accordance with the legislation of the Republic of Kazakhstan;

      Subparagraph 11 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      11) trading network - a set of two or more shopping facilities that are under common management and are used under a single commercial designation and other means of individualization, with the exception of trading markets;

      12) trading activities - entrepreneurial activities of individuals and legal entities aimed at the implementation of sale and purchase of goods;

      Subparagraph 13 is set out in the Law of the Republic of Kazakhstan No. 239-V dated 29.09.14 (see an earlier revision)

      13) authorized body in the field of regulation of trade activity (further – authorized body) – central executive body forming trade policy, performing management and also interindustry coordination in the sphere of trade activity;

      14) subject of trading activities - and individual or legal entity, carrying out trading activities in a manner prescribed by the legislation of the Republic of Kazakhstan;

      Subparagraph 15 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      15) shopping facility – a building or a part of a building, a construction or a part of a construction, a trade market, an automated device or a vehicle which is specially equipped with the equipment intended and used for the display, demonstration of goods, service of customers and carrying out cash settlements with customers during sale of goods;

      The Paragraph is supplemented with Subparagraph 15-1 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      15-1) trade place – a place equipped with the equipment intended and used for the display, demonstration of goods, service of buyers and carrying out monetary settlings with buyers at sale of goods;

      16) trade policy - a set of organizational, legal, economic, control and other measures carried out by state bodies to implement the goals and principles established by this Law;

      The Paragraph is supplemented with Subparagraphs 16-1 and 16-2 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      16-1) non-stationary trade facility - a temporary structure or temporary structure that is loosely connected to the ground regardless of the presence or absence of connection (technological connection) to the networks of engineering and technical support, including an automated device or vehicle;

      16-2) stationary shopping facility – a building or a part of a building (built-in, built-in attached, attached room), a construction or a part of a construction ( built-in, built-in attached, attached room) which is safely attached to the ground and connected (technologically attached) to networks of technical maintenance;

      17) foreign trade (hereinafter referred to as the foreign trade activity”) - trading activities related to the export out of the Republic of Kazakhstan and (or) import of goods into the Republic of Kazakhstan;

      The Paragraph is supplemented with Subparagraph 17-1 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      17-1) participants of foreign trade activity – individuals, registered as individual entrepreneurs, according to the legislation of the Republic of Kazakhstan and legal entities, set up, according to the legislation of the Republic of Kazakhstan;

      Subparagraph 18 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      18) tariff quota – the measure of regulation of import to the territory of the Republic of Kazakhstan or export out of the territory of the Republic of Kazakhstan of separate types of goods, providing application during a certain period of lower rate of an import or export custom duty when importing or exporting a certain quantity of goods (in natural or value terms) in comparison with a current rate of an import or export custom duty;

      19) goods - any product of labour, that has not been withdrawn from the market and is intended for sale or exchange;

      20) excluded in accordance with the Law of the Republic of Kazakhstan dated 27.10.15, No. 364-V (refer to earlier version)

      The article is supplemented with Subparagraph 20-1 in accordance with the *Law* of the Republic of Kazakhstan No. 504-V dated 21.04.16

      20-1) an exclusive export and (or) import right for certain types of goods – implementation of foreign trade activity concerning separate types of goods on the basis of an exclusive license;

      Subparagraph 21 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      21) class of goods - a set of goods with a similar functional purpose;

      The Article is supplemented by Subparagraph 21-1 in accordance with the Law of the Republic of Kazakhstan No.151-V dated 03.12.13

      21-1) international specialized exhibition - exhibition, meeting all following conditions:

      it is an official or officially recognized international intergovernmental organization in accordance with international treaties;

      exhibitors are two or more states;

      the duration of the exhibition is not less than six weeks and not more than six months;

      it is not an art exhibition or commercial exhibition;

      start and completion dates of an exhibition are specified in the registration file, developed by a legal entity created upon the decision of the Government of the Republic of Kazakhstan, and approved by the international intergovernmental organization created for control over the implementation of provisions of the international treaty on holding the international specialized exhibition;

      The Article is supplemented by Subparagraph 21-2 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13

      21-2) participant of an international specialized exhibition - an individual or a legal entity, exhibiting objects (exhibits) at an international specialized exhibition and representing a corresponding country in national sections at an international specialized exhibition, as well as an international organization or an individual or a legal entity determined by internal rules for conducting an international specialized exhibition accepted in accordance with the terms of an international treaty;

      The Article is supplemented with Subparagraph 21-3 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13; set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      21-3) territory of an international specialized exhibition – land plots provided in the registration file developed by the legal entity created according upon the decision of the Government of the Republic of Kazakhstan, and approved by the international intergovernmental organization created for control over the implementation of provisions of the international treaty on holding the international specialized exhibition, and provided according to the legislation of the Republic of Kazakhstan;

      The article is supplemented with subparagraph 21-4 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13; set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version); the Law of the Republic of Kazakhstan No 122-VI dated 25.12.17 (refer to earlier version)

      21-4) post-exhibition use of the territory of the international specialized exhibition is the management of objects (operation of objects) of the international specialized exhibition;

      The Article is supplemented by Subparagraph 21-5 in accordance with the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.17

      21-5) objects of the international specialized exhibition – buildings, architectural objects, constructions, engineering and transport infrastructure and other objects, which remained after holding the international specialized exhibition, located in its territory;

      22) large trading facilities include the trading facilities with a trading area of not less than two thousand square meters;

      23) domestic trade - trading activity carried out within the territory of the Republic of Kazakhstan;

      The Paragraph is supplemented with Subparagraphs 24 - 26 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      24) electronic commerce/trading – the entrepreneurial activity on realization of goods, which is carried out by means of information technologies;

      The Article is supplemented by Subparagraph 24-1 in accordance with the *Law* of the Republic of Kazakhstan No. 156-VI dated 24.05.18

      24-1) electronic trading platform - a complex of computing tools, software, databases, telecommunications tools and other equipment necessary for the implementation of electronic commerce and providing automation of the electronic commerce process, as well as collecting, storing, processing and disclosing information;

      25) intermediary in electronic commerce - a person providing services for organizing electronic commerce;

      26) participants of electronic commerce - individuals and legal entities participating as a buyer, seller and (or) intermediary in electronic commerce.

**Article 2. Legislation of the Republic of Kazakhstan on regulation of trading activities**

      The legislation of the Republic of Kazakhstan on regulation of trading activity shall be based on the Constitution of the Republic of Kazakhstan and consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

      Article 3. Article 3. Objectives and principles of state regulation of trading activities

      Paragraph 1 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication) (refer to earlier version)

      The following shall be the objectives of the state regulation of trading activities:

      1) meeting the needs of the population in goods and the development of trade infrastructure;

      2) the organization of trade services and catering;

      3) promoting the development and improvement of trading activities in the Republic of Kazakhstan;

      4) providing the conditions for Kazakhstan to effectively integrated into the world economy;

      5) improving the competitiveness of domestic goods in foreign markets.

      Paragraph 2 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication) (refer to earlier version)

      The following shall be the principles of the state regulation of trading activities:

      1) equality of rights of subjects of trading activities;

      2) non-interference of state bodies in trading activity, with the exception of cases established by the legislation of the Republic of Kazakhstan;

      3) support of free and fair business;

      4) protection of domestic producers;

      5) providing high-quality trade services;

      6) free choice of the type of trading activity and the possibility of its implementation by the subjects of trading activity;

      7) the unity of trade policy as an integral part of the state economic policy of the Republic of Kazakhstan;

      8) ensuring equal protection of the rights and legitimate interests of consumers, subjects of trading activities and the state;

      The Paragraph is supplemented with Subparagraphs 9 - 10 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      9) the unity of the application of methods of state regulation of foreign trade activities throughout the territory of the Republic of Kazakhstan;

      10) publicity in the development, adoption and application of measures of state regulation of foreign trade activities;

      11) the validity, objectivity and transparency of the application of measures of state regulation of foreign trade.

**Article 4. The scope of this Law**

      Paragraph 1 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (refer to earlier version)

      The present Law shall be effective in the territory of the Republic of Kazakhstan and shall extend to all subjects of trading activities.

      Paragraph 2 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (refer to earlier version), set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier revision)

      Operation of the present Law does not extend to the relations of:

      1) on a trade of certain types of goods, which are regulated by other acts of the Republic of Kazakhstan.

      Implementation of trade activity by such goods in the part, which is not settled by these acts of the Republic of Kazakhstan is regulated by standards of the present Law;

      2) related to the activities of financial organizations, as well as relations related to transactions with financial instruments.

      Chapter 2 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication) (refer to earlier version)

 **Chapter 2. State regulation of trading activities**

**Article 5. Forms and methods of state regulation of trading activities**

      The following shall be the forms of the state regulation of trading activities:

      1) determining the procedure for the implementation of trading activities;

      Subparagraph 2 as amended by the Law of the Republic of Kazakhstan No. 124-VI dated 26.12.2017 (refer to earlier version)

      2) determining the conditions for the movement of goods across the customs border of the Eurasian Economic Union, which coincides with the State Border of the Republic of Kazakhstan;

      The Paragraph is supplemented with Subparagraph 2-1 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      2-1) definition of conditions of movement of goods at implementation of mutual trade in state members of the Eurasian Economic Union;

      3) fostering of the development of trading activities;

      Subparagraph 4 is set out as amended by the Law of the Republic of Kazakhstan No.156-VI dated 24.05.18 (refer to earlier version)

      4) state control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trading activities;

      5) certification.

      The following shall be the methods of the state regulation of trading activities:

      1) сustoms and tariff regulation of foreign trade;

      2) non-tariff regulation of foreign trade activity;

      3) suspension of the sale and (or) a ban on the sale of goods in the manner established by the legislation of the Republic of Kazakhstan;

      4) the use of special protective, anti-dumping and countervailing measures;

      5) participation in international economic sanctions.

      Article 6 as amended in accordance with the Law of the Republic of Kazakhstan dated 26.01.11 No. 400-IV (entered into force six months after its first official publication); set out in the Law of the Republic of Kazakhstan No. 535-IV dated 09.01.12 (refer to earlier version)

**Article 6. Competence of the Government of the Republic of Kazakhstan**

      The Government of the Republic of Kazakhstan shall:

      1) excluded in accordance with the Law of the Republic of Kazakhstan dated 29.09.14, No. 239-V ( refer to earlier version)

      2) excluded in accordance with the Law of the Republic of Kazakhstan dated 03.07.13 No. 124-V ( refer to earlier version )

      3) is excluded in accordance with the Law of the Republic of Kazakhstan dated 03.07.13 No. 124-V ( refer to earlier version )

      4) - 8) excluded in accordance with the Law of the Republic of Kazakhstan dated 29.09.14, No. 239-V (refer to earlier version)

      9) cooperate and interact with foreign states, international organizations in the field of trade activities and the opening of trade missions of the Republic of Kazakhstan abroad;

      10) make decisions on conducting negotiations and signing intergovernmental agreements in the field of trading activities;

      11) determine the authorized body;

      12) - 14) excluded in accordance with the Law of the Republic of Kazakhstan dated 29.09.14, No. 239-V (refer to earlier version)

      The Article is supplemented by Subparagraphs 14-1 - 14-3 in accordance with the *Law* of the Republic of Kazakhstan No. 151-V dated 03.12.13

      Subparagraph 14-1 is set out as amended by the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.17 (entered into force on January 1, 2018) (refer to earlier version)

      14-1) create a legal entity with one hundred percent state participation in the authorized capital, the main activities of which are the organization and holding an international specialized exhibition in the Republic of Kazakhstan, as well as post-exhibition use of the territory of the international specialized exhibition;

      14-2) Excluded in accordance with the Law of the Republic of Kazakhstan dated 25.12.17 No. 122-VI (entered into force on January 1, 2018) (refer to earlier version)

      14-3) decide on the use of response measures;

      The Article is supplemented with Subparagraph 14-4 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      14-4) decide on imposing of special types of prohibitions and restrictions;

      15) perform other functions, imposed thereon by the Constitution of the Republic of Kazakhstan, this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Article 7. Competence of authorised body**

      Authorized body:

      1) develops proposals for improving the legislation of the Republic of Kazakhstan on the regulation of trading activities;

      The Article is supplemented with Subparagraphs 1-1 and 1-2 in accordance with the *Law* of the Republic of Kazakhstan No. 239-V dated 29.09.14

      1-1) forms the state trade policy;

      1-2) takes measures to protect the domestic market of the Republic of Kazakhstan;

      Subparagraph 2 is set out in the Law of the Republic of Kazakhstan No. 239-V dated 29.09.14 (see an earlier revision)

      2) takes measures of customs-tariff and non-tariff regulation of foreign trade activities;

      The Article is supplemented with Subparagraph 2-1 in accordance with the Law of the Republic of Kazakhstan No.239-V dated 29.09.14; set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      2-1) approve the list of goods for which import or export customs duties are applied, the level of the rates and their validity, as well as, if necessary, the procedure for their calculation;

      2-2) excluded in accordance with the Law of the Republic of Kazakhstan dated 27.10.15, No. 364-V (refer to earlier version)

      3) develops proposals for the development of trading activities, as well as the creation of favorable conditions for the production and sale of goods;

      4) develops regulatory legal acts of the Republic of Kazakhstan in the field of regulation of trading activities;

      The Article is supplemented with Subparagraph 4-1in accordance with the *Law* of the Republic of Kazakhstan No. 239-V dated 29.09.14

      4-1) approves the rules of domestic trade;

      4-2) jointly with the Ministry of the Internal Affairs of the Republic of Kazakhstan approves the rules for the conduct of the trading activities of pawnshops;

      5) excluded in accordance with the Law of the Republic of Kazakhstan dated 13.01.14 No. 159-V (refer to earlier version)

      6) excluded in accordance with the Law of the Republic of Kazakhstan dated 13.01.14, No. 159-V (refer to earlier version)

      Subparagraph 7 is set out as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.11 (entered into force upon the expiry of six months after its first official publication); the Law of the Republic of Kazakhstan No. 239-V dated 29.09.14 (refer to earlier version)

      7) develops and approves minimum standards for the provision of trading areas to the public;

      The Paragraph is supplemented with Subparagraph 7-1 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      7-1) develops and approves the norms of natural loss of food products in the retail trade;

      8) excluded in accordance with the Law of the Republic of Kazakhstan dated 13.01.14, No. 159-V (*refer to earlier version*)

      Subparagraph 9 is set out in the Law of the Republic of Kazakhstan № 130-V dated 04.07.13 (refer to earlier version)

      9) initiates, participates and organizes republican and international exhibitions and fairs, jointly with the National Chamber of Entrepreneurs of the Republic of Kazakhstan;

      10) acts on behalf of the Government of Kazakhstan in negotiations with international trade organizations;

      Subparagraph 11 amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      11) carries out licensing of export and (or) import of certain goods in the manner established by the legislation of the Republic of Kazakhstan;

      Subparagraph 12 is set out in the wording of the Law of the Republic of Kazakhstan No. 130-V dated 04.07.13 (entered into force one year after the first official publication) (refer to earlier version); amended in accordance with the Law of the Republic of Kazakhstan No. 124-VI dated 26.12.17, (entered into force on January 1, 2018) (refer to earlier version)

      12) monitors, by analyzing information on issued certificates of origin of goods, provided quarterly by an organization authorized to issue a certificate of origin of goods, as well as monitoring the issuance of a certificate of origin of goods for internal circulation, determining the status of goods of the Eurasian Economic Union and (or) foreign goods authorized body (organization);

      Subparagraph 13 is set out as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.18 (refer to earlier version)

      13) conducts a macroeconomic analysis in order to determine the threshold values of retail prices for socially important food products;

      14), 14-1) are excluded in accordance with the Law of the Republic of Kazakhstan dated May 24, 2018 No. 156-VI (*refer to earlier version*)

      Subparagraph 15 is set out in the Law of the Republic of Kazakhstan dated 29.09.14, No. 239-V (see an earlier revision)

      15) develops and approves the procedure for establishing the threshold values of retail prices for socially important food products and the size of the maximum permissible retail prices for them;

      15-1) excluded in accordance with the Law of the Republic of Kazakhstan № 156-VI dated 24.05.18 (refer to earlier version)

      The Article is supplemented with Subparagraph 15-2 in accordance with the *Law* of the Republic of Kazakhstan No. 156-VI dated 24.05.18

      15-2) approves the rules and conditions for granting tariff benefits, as well as a list of goods in respect of which the tariff benefit is provided;

      16) is excluded in accordance with the Law of the Republic of Kazakhstan dated 29.12.14, No. 269-V (entered into force from January 1, 2015) (refer to earlier version)

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

      Article 7-1. Is excluded by the Law of the Republic of Kazakhstan No. 535-IV dated 09.01.12 (refer to earlier version)

      Article 8 was amended in accordance with the Law of the Republic of Kazakhstan № 156-VI dated 24.05.18 (refer to earlier version)

**Article 8. Competence of local executive bodies of a region, city of republican significance, capital, district, city of regional significance**

      Local executive bodies of a region, city of republican significance, capital, district, city of regional significance shall:

      Subparagraph 1 is amended in accordance with the Law of the Republic of Kazakhstan No. 535-IV dated 09.01.12 (refer to earlier version)

      1) ensure the implementation of trade policy;

      2) carry out, within their competence, the regulation of the activities of subjects of trading activities;

      3) develop measures to create conditions conducive to trading activities in the relevant administrative and territorial units;

      Subparagraphs 4 and 5 as amended by the *Law* of the Republic of Kazakhstan No. 400-IV dated 26.01.11 (entered into force six months after its first official *publication*)

      4) develop proposals for minimum standards of provision of the population with a trade area;

      5) develop and implement measures to achieve the minimum standard of provision of the population with a trade area;

      6) organize exhibitions and fairs;

      7) State control over compliance with the size of the maximum permissible retail prices for socially important food products;

      8) carry out, in the interests of local government, other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

      Local executive bodies of a region, the city of republican significance, the capital approve:

      1) threshold values of retail prices for socially important food products;

      2) the level of the maximum permissible retail prices for socially important food products.

**Article 9. Price formation in the field of trading**

      1. The prices of goods shall be fixed by the subjects of trading activities themselves, except for the case provided for in Paragraph 2 of this Article, and where upon request of the supplier the agreement for the supply of food products is concluded in which the parties shall, under mutual agreement, fix the maximum permissible markup.

      The amount of the maximum permissible markup shall be mandatory established while concluding the agreement for the supply of socially important food products. A transaction made in violation of this requirement is not valid.

      Paragraph 2 as amended by the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version), set out in the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.18 (refer to earlier revision)

      2. In case of exceeding the threshold values of retail prices for socially important food products in the region, the city of republican significance, the capital, the local executive body after consulting with the subjects of trading activity has the right to set the size of the maximum allowable retail prices for them in the region, the city of republican importance, the capital for a period not exceeding ninety calendar days.

      If the maximum permissible retail prices for socially important food products exceed those, established in accordance with the first part of this Paragraph, the business entity is responsible in accordance with the laws of the Republic of Kazakhstan.

      See: Rules for establishing the threshold values of retail prices for socially important food products and the level of the maximum permissible retail prices for them

 **Chapter 3. Domestic trade**

**Article 10. Objects and types of domestic trade**

      1. The objects of domestic trade include shopping facilities and catering facilities.

      Paragraph 2 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (refer to earlier version), set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier revision)

      2. Stationary trading facilities are divided into:

      category 1, which includes shopping facilities with the trade area of more than ten thousand square meters, selling food and non-food products, provided with trade, administrative and household, storage facilities and the platform for the parking of trucking facilities within borders of the territory and also objects of public catering and other objects;

      category 2, which includes the shopping facilities with the trade area from two thousand to ten thousand square meters selling food and non-food products, provided with trade, administrative and household, storage facilities and the platform for the parking of trucking facilities within borders of the territory and also objects of public catering and other objects;

      category 3, which includes the shopping facilities with the trade area from five hundred to two thousand square meters provided with trade, utility, administrative and household rooms, rooms for intake, storage and preparation food, non-foods to sale, objects of public catering (at their availability) and other objects (at their availability);

      category 4, which includes the shopping facilities with the trade area from hundred to five hundred square meters provided with trade utility rooms, rooms for intake, storage and preparation of food and non-food products to sale, objects of public catering (at their availability) and other objects (at their availability);

      category 5, which includes shopping facilities with the trade area less than hundred square meters provided with trade rooms, rooms for intake, storage and preparation of food and non-food products to sale, objects of public catering (at their availability) and other objects (at their availability).

      Types and requirements for stationary shopping facilities are approved by the authorized body.

      The Article is supplemented with Paragraph 2-1 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      2-1. Non-stationary trading facilities are divided into:

      1) vending machine - an automatic device for the sale of goods;

      2) portable counter - a portable temporary structure, acting as a trading place, which is located on a specially designated spot;

      3) mobile shop - a specialized vehicle equipped with trade equipment;

      4) tent (pavilion) - an easily erected structure of collapsible details, equipped with trade equipment for one or several trading places, having an area for a commercial stock and located on a specially designated place;

      5) kiosk - non-capital portable structure, equipped with commercial equipment, not having a sales area and premises for storing food products, designed for one or several trading places.

      When selling goods through mobile shops, a specialized vehicle must be technically sound.

      The Article is supplemented with Paragraph 2-2 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      2-2. Trade markets, based on the goods sold, are divided into:

      1) universal;

      2) specialized.

      The Article is supplemented with Paragraph 2-3 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15 (entered into force on January 1, 2018 and becomes invalid on January 1, 2025)

      The validity of paragraph 2-3 is suspended from June 8, 2018 until January 1, 2020 in accordance with the *Law* of the Republic of Kazakhstan No. 156-VI dated 24.05.18

      2-3. The universal trading market is a trading market in which trading places are intended for selling goods of various classes:

      in the territory of the capital, the city of republican significance, the trading market consists of one or more stationary trading facilities, within which non-stationary trading facilities can be located, with the exception of mobile shops;

      in the territory of a city of regional significance, a city of district significance, or a village, the trading market consists of stationary and (or) non-stationary trading facilities.

      Article is supplemented with Paragraph 2-4 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15 (shall be enforced from January 1, 2025)

      Article is supplemented with Paragraph 2-5 in accordance with the *Law* of the Republic of Kazakhstan № 364-V dated 27.10.15

      2-5. A specialized trading market is a trading market in which 70% of the goods of their total number and more, are goods of one class.

      Specialized trading market consists of stationary and (or) non-stationary shopping facilities.

      Article is supplemented with Paragraph 2-5 in accordance with the *Law* of the Republic of Kazakhstan № 364-V dated 27.10.15

      2-6. Trading markets must be:

      1) equipped with trade places in accordance with the scheme of their placement, administrative and residential, warehouse and common areas;

      2) equipped with visible facilities, which display:

      information containing the layout of trading places on the trading market;

      evacuation scheme in case of emergency or emergency situations;

      information on the procedure and conditions for the provision of trading places for rent (use);

      information about the availability of free trading places;

      contact information (phone number and (or) the e-mail address) of the person authorized to conduct negotiations on providing trade places for rent (use);

      information stipulated by the legislation of the Republic of Kazakhstan on consumer protection.

      Article is supplemented with Paragraph 2-7 in accordance with the *Law* of the Republic of Kazakhstan № 364-V dated 27.10.15

      2-7. The rules for organizing the activities of trade markets, the requirements for maintaining the territory, equipping the trading market are approved by the Government of the Republic of Kazakhstan.

      3. Catering facilities are divided into the following categories:

      1) a restaurant is a catering and recreation facility offering a range of dishes of complex preparation, including custom-made and branded, as well as alcoholic beverages with the obligatory provision of waiter services to consumers;

      2) a cafe is a catering and recreation facility offering a range of simple dishes, as well as alcoholic beverages with the obligatory provision of waiter services to consumers;

      3) bar is a catering and recreation facility offering consumers snacks, desserts and confectionery, as well as alcoholic beverages;

      4) dining room is a catering facility with independent customer service.

      4. The specialization of a commercial facility is determined by its owner in agreement with the authorized body in the field of sanitary and epidemiological welfare of the population in accordance with the legislation of the Republic of Kazakhstan.

      5. The types of domestic trade include wholesale and retail trade, catering and other types of trade established by this Law.

      6. The procedure and requirements for the implementation of wholesale, retail and catering, as well as to objects of domestic trade are established in accordance with the legislation of the Republic of Kazakhstan.

**Article 11. Wholesale trade**

      Paragraph 1 is set out as amended by the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      1. Wholesale trade is carried out in stationary trading objects and trading markets.

      Paragraph 2 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      2. When carrying out wholesale trade, subjects of trading activities are obliged to ensure the requirements of regulatory legal acts of the Republic of Kazakhstan and regulatory documents, as well as the necessary conditions for the transportation, storage and sale of goods.

**Article 12. Retail trade**

      Paragraph 1 is set out as amended by the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      1. Retail trade is carried out through stationary, non-stationary trading objects and trading markets.

      2. At retail sale, each unit of goods must be packaged unless otherwise established by the legislation of the Republic of Kazakhstan or provided by the contract or follows from the nature of the product itself.

      3. The display of goods, the demonstration of their samples or the presentation of information about the goods sold (descriptions, catalogs, photographs, etc.) in the place of their sale are recognized as a public offer, regardless of whether prices or other essential terms of the sales contract are indicated, except when the seller has clearly determined that the relevant goods are not intended for sale.

      4. Retail trade outside of trading places, through network marketing, public distributors, mail order sales and other means is regulated in the manner established by the Government of the Republic of Kazakhstan.

      Article is supplemented with Paragraph 5 in accordance with the *Law* of the Republic of Kazakhstan № 364-V dated 27.10.15

      5. Implementation of retail trade outside the places established by local executive bodies is prohibited.

      The Article is supplemented by Paragraph 6 in accordance with the *Law* of the Republic of Kazakhstan No. 504-V dated 21.04.16

      6. The order of clearance and sale of discounted goods is established by the rules of domestic trade.

      Chapter 13 as amended by the Law of the Republic of Kazakhstan 400-IVdated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication) (refer to earlier version)

**Article 13. Public catering**

      1. Public catering facilities carry out production, processing, sale and organization of consumption of their own products, as well as other food products.

      2. The provision of a menu to visitors in catering facilities is recognized as an offer (public offer) to conclude a contract for the retail sale of catering goods indicated in the menu.

      3. General requirements for the implementation of activities of public catering facilities in categories established by Paragraph 3 of Article 10 of this Law shall be determined by the Government of the Republic of Kazakhstan.

**Article 14. The contract of sale in trading activities**

      1. The procedure and conditions for concluding a sales contract, as well as the rights and obligations of sellers and buyers are determined in accordance with the Civil Code and other legislative acts of the Republic of Kazakhstan, taking into account the specifics established by this Law.

      2. If the legislative acts of the Republic of Kazakhstan establish the age limit for the consumer when selling any goods, the seller must refuse to sell if the consumer has not presented documents confirming the age.

      3. The contract of wholesale of goods is a type of supply contract, in which the subjects of trading activity sell goods from retail facilities.

      The Law is supplemented with chapter 3-1 in accordance with the *Law* of the Republic of Kazakhstan No. 400-IV dated 26.01.11

 **Chapter 3-1. Promoting the development of domestic trade**

**Article 14-1. Support of trade activities by local executive bodies of the region, city of republican significance, capital, district, city of regional significance**

      1. Support of trade activities by local executive bodies of the region, city of republican significance, capital, district, city of regional significance is carried out through the implementation of the following activities:

      1) development and implementation of investment projects aimed at the development of trade infrastructure;

      2) development and improvement of the system of vocational training, retraining and advanced training of trade workers, the formation of a labor market on a professional basis;

      3) the use of measures of economic incentives for subjects of trading activities, including those engaged in trade in food products of domestic production;

      4) the development of electronic trading;

      5) development of cross-border trading;

      6) development of domestic trade networks.

      Paragraph 2 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      2. Measures aimed at the development of domestic trade are developed taking into account the minimum standards approved by the authorized body for the provision of the population with a trade area.

      Article 14-2 with the changes made by the Law of the Republic of Kazakhstan from 26.01.11 No. 400-IV (shall be enforced upon expiry of six months after its first official publication).

**Article 14-2. Rationing of the provision of the population with trade area**

      Paragraph 1 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      1. The minimum standards for the provision of population with trade area, approved by the authorized body, should be taken into account when developing integrated schemes for the planning of the territories of the regions (regional planning projects) and for general plans of localities.

      2. The authorized body develops minimum standards for the provision of population with trade area, taking into account the proposals of local executive bodies of the region, city of republican significance, capital, district, city of regional significance.

      3. Categories of localities, structure and population density in a locality, should be taken into account during the development of minimum standards for the provision of population with trade area.

      Chapter 4 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.11 (shall be enforced upon expiry of thirty calendar days after its first official publication)(refer to earlier version)

 **Chapter 4. Foreign trade activity**

      Article 15. Is excluded by the Law of the Republic of Kazakhstan No. 535-IV dated 09.01.12 (refer to earlier version)

      Article 15-1. Is excluded by the Law of the Republic of Kazakhstan No. 535-IV dated 09.01.12 (refer to earlier version)

**Article 16. Customs and tariff regulation of foreign trade**

      1. The customs and tariff regulation of foreign trade shall comprise the use of the following measures:

      1) customs duties;

      2) tariff concessions;

      3) tariff preferences;

      4) tariff quota.

      2. The customs and tariff regulation of foreign trade shall pursue the following purposes:

      1) rationalization of the structure of importing the goods into the territory of the Republic of Kazakhstan;

      2) maintaining the efficient ratio of export and import of goods into the territory of the Republic of Kazakhstan;

      3) creation of conditions for progressive changes in structure of production and consumption of goods in the Republic of Kazakhstan;

      4) protection of the economy of the Republic of Kazakhstan against the adverse effects of the imported goods;

      5) providing conditions for Kazakhstan to effectively integrate into the world economy;

      6) ensuring the country’s food security.

      Article 16-1 is set out in the *Law* of the Republic of Kazakhstan dated 29.09.14, No. 239-V (*refer to earlier version*)

**Article 16-1. Tariff quotas**

      1. To create conditions for progressive changes in structure of production and consumption of goods in the Republic of Kazakhstan and preserving of a rational ratio of domestic and foreign goods, the authorized body:

      Subparagraph 1 amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15, (refer to earlier version)

      1) sets the tariff quotas on import or export of certain types of goods;

      2) defines method, distribution order, volume and term of their validity.

      The authorized body and other state bodies distribute the tariff quotas among the participants of foreign trade activity within their competence according to distribution order of the tariff quota.

      Paragraph 2 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      2. Intra quote and extra quote custom rates of the duties on goods, for import or export of which tariff quotas are applied, are established by authorized body according to the international treaties ratified by the Republic of Kazakhstan.

      Refer to: Law of the Republic of Kazakhstan on amending the third part of Paragraph 3 No. 203-V dated 16.05.14

      3. Import or export to the territory of the Republic of Kazakhstan within the tariff quotas is performed on the basis of the export and (or) import licenses issued by the authorized body.

      The order and conditions of issue of export and (or) import licenses are established according to the international treaties ratified by the Republic of Kazakhstan.

      Article 17 is amended in accordance with the Law of the Republic of Kazakhstan No. 239-V dated 29.09.14 (refer to earlier version); set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

**Article 17. Non-tariff regulation of foreign trade activity**

      Measures of non-tariff regulation of foreign trade activity include:

      1) ban of export and (or) import of certain goods;

      2) quantitative restrictions of export and (or) import of certain goods;

      3) exclusive export and (or) import right of certain types of goods;

      4) licensing in the sphere of export and (or) import of goods;

      5) automatic licensing (observation) of certain types of goods.

      Article 18 is set out in the Law of the Republic of Kazakhstan dated 29.09.14, No. 239-V (refer to earlier version)

**Article 18. Bans and quantitative restrictions of export and (or) import of certain goods**

      1. Bans of export and (or) import of certain goods are enforced by the relevant central state bodies within the competence, in coordination with the authorized body, for the sake of:

      1) respect for the rule of law;

      2) the protection of human life and health and the environment;

      3) is excluded in accordance with the Law of the Republic of Kazakhstan dated 27.10.15 No. 364-V (refer to earlier version)

      The Paragraph is supplemented with Subparagraph 3-1 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      3-1) regulations of export and (or) import of gold or silver;

      4) protection of cultural values and objects of national cultural property against illegal export and (or) import;

      5) prevention of exhaustion of finite natural resources with simultaneous restriction of their domestic production and consumption;

      6) ensuring national security;

      7) fulfillment of international obligations;

      The Paragraph is supplemented with Subparagraphs 7-1 - 7-4 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15

      7-1) restrictions on the export of domestic goods to ensure a sufficient amount of such goods in the domestic manufacturing industry;

      7-2) acquisition or distribution of goods in case of their general or local shortage;

      7-3) creations of conditions for progressive changes in structure of production and consumption of goods in the Republic of Kazakhstan;

      Subparagraph 7-4 as amended by the Law of the Republic of Kazakhstan No.124-VI dated 26.12.2017 (enacted from January 1, 2010) (refer to earlier version)

      7-4) ensuring compliance with the regulatory legal acts corresponding to the international obligations, concerning application of the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan, protection of intellectual property and other legal acts.

      8) is excluded in accordance with the Law of the Republic of Kazakhstan dated 27.10.15 No. 364-V (refer to earlier version)

      2. Quantitative restrictions of export and (or) import of certain goods are enacted by the relevant central state bodies within their competence, in coordination with authorized body, for the sake of:

      1) ensuring national security;

      2) fulfillment of international obligations;

      3) protection of domestic market.

      Paragraph 3 is set out as amended by the Law of the Republic of Kazakhstan No. 203-V dated 16.05.14 (refer to earlier version)

      3. Quantitative restrictions of export and (or) import of certain goods are enforced according to the legislation of the Republic of Kazakhstan and performed through licensing, according to the Law of the Republic of Kazakhstan "About permissions and notifications".

      Paragraph 4 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      4. For prevention or reduction of a critical deficit in domestic market of the food or other products included in the List of significantly important goods, the central state bodies, within their competence, can impose bans and quantitative restrictions of export of certain goods in coordination with authorized body.

      The list of significantly important goods is defined by authorized body.

      Paragraph 5 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      5. Distribution of quantitative restrictions of export and (or) import of separate goods among participants of foreign trade activity is performed by the relevant central state bodies within their competence in coordination with authorized body.

      The size of quotas and their validity period are defined by the relevant central state bodies within their competence in coordination with authorized body.

      Article 18-2 is set out in the Law of the Republic of Kazakhstan dated 27.10.15, No. 364-V (refer to earlier version)

**Article 18-1. Conditions and procedure for issuing permits**

      1. Permits are given without restriction to all applicants.

      2. For obtaining a permit the applicant must present to authorized body:

      written statement;

      the project of permit of the established sample in one copy on paper and its electronic copy.

      3. Permit is given within three working days from the date of filing out the application.

      4. Period of validity of permit is limited to one calendar year, in which the permission is issued.

      5. Modification of the given permit is not allowed.

      6. The given permit is not subject to renewal for other applicants.

      7. In case of loss of permit the authorized body within three working days issues the duplicate of permission and sends it to the address, stated by the applicant.

      The Law is supplemented with chapter 18-2 in accordance with the *Law* of the Republic of Kazakhstan No. 239-V dated 29.09.14

**Article 18-2. Response measures**

      1. The government of the Republic of Kazakhstan has the right to resort to response measures in case a foreign state:

      1) does not fulfill obligations to the Republic of Kazakhstan assumed by it under international treaties;

      2) undertakes measures which violate the economic interests of the Republic of Kazakhstan, including measures which unreasonably close for Kazakhstani goods access to the market of a foreign state or other types of unreasonable discrimination thereof.

      2. The government of the Republic of Kazakhstan according to the conventional principles and rules of international law has the right to resort to the response measures, Provided in Paragraph 1 of this Article, necessary for effective protection of interests of the Republic of Kazakhstan.

      The Law is supplemented with Article 18-3 according to the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.2015

**Article 18-3. Special types of bans and restrictions**

      1. Foreign trade activity can be limited to measures, the acceptance of which is necessary for participation in the international sanctions according to Charter of the United Nations, including measures, differing from provisions of Article 18 of this Law.

      2. The measures limiting foreign trade activity, including the measures, differing from provisions of Article 18 of this Law can be enforced for protection of an external financial position and maintenance of the balance of payments.

      Article 19. It is excluded by the Law of the Republic of Kazakhstan dated 27.10.2015 No. 364-V(refer to earlier version)

       Article 20 is set out in the Law of the Republic of Kazakhstan dated 29.09.14, No. 239-V (refer to earlier version)

**Article 20. Exclusive export and (or) import right of certain types of goods**

      The exclusive export and (or) import right of certain types of goods is carried out on the basis of licensing.

      Paragraph 2 is set out as amended by the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      2. The list of goods, for export and (or) import of which the exclusive right is granted, and also participants of foreign trade activity, to whom the exclusive export right and (or) import of separate types of goods is provided, are approved by authorized body on the basis of offers of the appropriate central state authorities.

      3. Excluded in accordance with the Law of the Republic of Kazakhstan dated 27.10.15 No. 364-V (refer to earlier version)

      Article 21 is set out in the Law of the Republic of Kazakhstan dated 27.10.15 No. 364-V (refer to earlier version)

**Article 21. Automatic licensing (observation) of certain types of goods**

      Automatic licensing (observation) of certain types of goods is carried out through issuance of permits.

      Article 22 is set out in the Law of the Republic of Kazakhstan dated 08.06.15 No. 317-V (refer to earlier version)

**Article 22. Application of special protective, anti-dumping and countervailing measures**

      Conditions and procedure of application of special protective, anti-dumping and countervailing measures are defined by the legislation of the Republic of Kazakhstan on special protective, anti-dumping and countervailing measures in relation to the third countries.

 **Chapter 5. Other types of trade**

**Article 23. Auction trade**

      1. Auction trade for the sale of goods shall be carried out through public bidding.

      The seller shall determine a starting price based on the market value of the goods at the time of bidding, and the final price shall be determined by the buyer resulting from the auction held.

      The procedure for the carrying out of the auction trade shall be regulated by civil legislation of the Republic of Kazakhstan.

**Article 24. Commission trade**

      Commission trade shall be carried out in accordance with civil legislation of the Republic of Kazakhstan.

**Article 25. Trade by orders**

      1. Trade by orders shall be carried out through the seller, providing the information in advertisements or other means of spreading information about the goods.

      Sale of goods by orders may also be carried out through the type setting (standard) parcels. Type setting (standard) parcels may comprise the sets of goods of various purposes.

      2. The trade by orders shall be carried out through directing and receiving of orders directly from the buyers, by the subjects of trading activities, in the places of itinerant trade, by telephone or mail order.

      3. The service fee for receiving and executing the order, payment procedure, and the date of delivery shall be determined in the contract.

      4. Delivery of goods within one locality shall be made personally, and the delivery of goods from other places may also be made by concluding an agreement with the transport or postal organization.

      If the goods are delivered from other localities, the agent of the seller shall receive the payment for goods, and shall make a payment of service fee to the transport or postal organization.

      5. In the customer doesn't accept the order, performed without breaching the terms of the contract, the customer shall reimburse the seller the service cost resulted from transporting the goods to the customer and back.

**Article 26. Cross-border trade**

      1. Cross-border trade shall be carried out by individuals and legal entities in the border area of the Republic of Kazakhstan and in the border area of a neighboring state.

      2. The procedure of carrying out the cross-border trade shall be determined in accordance with the rules approved by the Government of the Republic of Kazakhstan as well as with the conditions stipulated by the international treaties concluded with the neighboring states and ratified by the Republic of Kazakhstan.

**Article 27. Itinerant trade**

      1. The itinerant trade shall be carried out in order to satisfy the customers’ demands in goods missing in the relevant territory, or in the case of the absence of the trading facilities in the mentioned area.

      Paragraph 2 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (refer to earlier version)

      2. The subjects of trading activities shall carry out the itinerant trade in specifically designated places determined by the local executive body of the city of republican significance, capital, district, and of the city of the regional significance.

      Paragraph 3 is amended in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

      3. The itinerant trade is carried out from mobile shop and (or) tents (pavilions).

      Article 28 as amended by the Law of the Republic of Kazakhstan No. 116-III dated 10.01.06 (entered into force on January 1, 2006) (refer to earlier version); set out in the Law of the Republic of Kazakhstan dated 26.01.11 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication) (refer to earlier version)

**Article 28. Exhibitions and fair activity**

      1. The exhibitions and fair activity shall be performed through organization of the exhibitions and fairs for the purposes of market research, assisting in the organization of sale of goods, conclusion of agreements and in order to establish new trade links. The exhibitions and fair activities are connected with the demonstration of product sample.

      2. If the local executive bodies, individuals and legal entities want to hold exhibitions and fairs of international and republican status they may do so by obtaining a prior approval of the concept of the exhibition or fair from the authorized body. The concept of the exhibition and fair shall contain information about the alleged organizational and financial resources as well as the information about the potential participants.

      Article is supplemented with Paragraph 3 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13

      3. Requirements, stipulated in Paragraph 2 of this Article, do not apply to the international specialized exhibition.

      The article is supplemented with Paragraph 4 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13; amended in accordance with the Law of the Republic of Kazakhstan No.122-VI dated 25.12.17 (entered into force on January 1, 2018) (refer to earlier version)

      4. In order to achieve the goal of the activity, the legal entity with absolute participation of the state in authorized capital, the main activities of which are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also post-exhibition use of the territory of the international specialized exhibition, performs the following functions:

      1) provides interaction with state bodies during the organization and holding the international specialized exhibition;

      2) provides financing of the actions which are directly connected with the organization and holding the international specialized exhibition and also financing of construction of facilities of the international specialized exhibition, located in the territory of the international specialized exhibition;

      Subparagraph 3 is set out as amended by the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.17 (entered into force on January 1, 2018) (refer to earlier version)

      3) other functions provided by the articles of legal entity with absolute participation of the state in authorized capital, the main activities of which are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also post-exhibition use of the territory of the international specialized exhibition.

      Article is supplemented with Paragraph 5 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13

      5. The organization, organizing and holding the international specialized exhibition in the territory of the Republic of Kazakhstan, except for the organizations, specified in Paragraph 6 of this Article, has the right:

      1) to request from the central, local representative and executive bodies information necessary for the organization and holding he international specialized exhibition, except for data which are the state secret or protected by the law;

      2) to take part in decision making regarding the issues of organization and holding the international specialized exhibition;

      3) to attract citizens of the Republic of Kazakhstan and also foreigners and persons without citizenship, who are legally in the territory of the Republic of Kazakhstan, as volunteers to participate in the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan on the basis of non-paid agreements, signed with them.

      Article is supplemented with Paragraph 6 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13

      6. The organizations engaged in organizing and holding an international specialized exhibition in the Republic of Kazakhstan also include legal entities included in the list of organizations carrying out design and (or) construction of objects of the international specialized exhibition in the Republic of Kazakhstan , approved by the Government Kazakhstan.

      The article is supplemented with Paragraph 7 in accordance with the Law of the Republic of Kazakhstan No. 151-V dated 03.12.13; set out in accordance with the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.17 (entered into force on January 1, 2018) (refer to earlier version)

      7. The taxation of the legal entity with absolute participation of the state in authorized capital the main activities of which are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also post-exhibition use of the territory of the international specialized exhibition, is performed according to tax legislation of the Republic of Kazakhstan.

      Article 29 is set out in the Law of the Republic of Kazakhstan No. 364-V dated 27.10.15 (refer to earlier version)

**Article 29. Electronic trading (commerce)**

      Paragraph 1 is set out as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.18 (refer to earlier version)

      1. Electronic trading, including the operation of electronic trading platforms, is carried out in accordance with the rules approved by the authorized body.

      2. Protection of the rights and legitimate interests of participants of electronic trading is performed according to legal acts of the Republic of Kazakhstan.

      The Law is supplemented with Article 6 in accordance with the Law of the Republic of Kazakhstan No. 364-V dated 27.10.2015

**Article 29-1. Implementation of electronic trading**

      1. The seller, who submits an electronic offer on his own behalf, is obliged:

      1) to include essential terms of the contract in the offer or to specify the order of their determination and also to include other conditions established by legal acts of the Republic of Kazakhstan;

      2) to provide information on the order of signing of the contract;

      3) to provide the invoice, in the manner determined by the Code of the Republic of Kazakhstan “On taxes and other obligatory payments in the budget” (Tax code) and also to provide copies of source accounting documents according to the Law of the Republic of Kazakhstan “On financial accounting and the financial reporting”.

      Article is supplemented with Paragraph 1-1 in accordance with the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.18

      1-1. 1. The seller, who submits an electronic offer on his own behalf, has the right:

      1) to determine the conditions for ensuring the fulfillment by the buyers of their obligations under the transactions concluded on the electronic trading platform;

      2) to require the intermediary to post information on the results of transactions conducted on the electronic trading platform.

      Paragraph 2 is set out as amended by the Law of the Republic of Kazakhstan No. 12-VІ dated 26.07.16 (refer to earlier version)

      2. Payment methods and (or) money transfers according to transactions of electronic trading are performed in the order established by the legislation of the Republic of Kazakhstan on payments and payment service providers.

      Article is supplemented with Paragraph 1-1 in accordance with the Law of the Republic of Kazakhstan No.156-VI dated 24.05.18

      2-1. Electronic trading is carried out through trading on electronic trading platforms, provided by an intermediary in electronic trading.

      Paragraph 3 is set out as amended by the Law of the Republic of Kazakhstan No. 156-VI dated May 24, 2018 (refer to earlier version)

      3. The intermediary in electronic trading is obliged to provide:

      1) integrity and confidentiality of information which is contained in information resources, including information constituting a commercial or other secret protected by law;

      2) conditions for the buyer to fulfill their obligations under the transactions concluded on the electronic trading platform, if such conditions were determined by the seller;

      3) at the request of the seller to place on its Internet resource information on the results of the auction on the electronic trading platform.

      The intermediary in electronic trading has no right:

      Subparagraph 1 is set out as amended by the Law of the Republic of Kazakhstan No. 156-VI dated May 24, 2018 (refer to earlier version)

      1) to disclose information which is contained in electronic documents or electronic messages, including information constituting a commercial or other secret protected by law;

      2) to transfer to the third parties electronic documents, electronic messages or their copies, including information which is contained in them if other is not provided by the agreement signed by it with other participants of electronic trading or laws of the Republic of Kazakhstan;

      3) to change contents of electronic documents or electronic messages or an order of their use if other is not provided by the agreement signed by him with other participants of electronic trading or laws of the Republic of Kazakhstan.

      5. The seller at implementation of electronic trading shall organize storage of electronic information resources, including through the intermediary in electronic trading.

**Article 30. Exchange trade in goods**

      The exchange trade in goods shall be carried out in accordance with the legislation of the Republic of Kazakhstan on goods exchange.

       Chapter 6 as amended by the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.11 (shall be enforced upon expiry of thirty calendar days after its first official publication)(refer to earlier version)

 **Chapter 6. Requirements for subjects of trading activities and products**

**Article 31. Requirement for subjects of trading activities**

      1. The subjects of trading activities while exercising such activities shall be required to:

      1) sell the goods of satisfactory quality, meeting safety requirements;

      2) sell the goods according to the parameters respectively specified in the terms of the public offer, agreements or any other transactions;

      3) provide the buyer with necessary and reliable information about the quality and place of origin of goods, consumer properties, warranty obligations and the procedure for filing claims, methods and rules for using the product, storing it, and in the case of a statement of claim and attached documents submitted to court, also on the location and other details of the seller or manufacturer (performer);

      4) place the control and measuring devices, verified in accordance with the requirements of the State System for Ensuring Uniform Measurement, on the public places of trading activities;

      5) give to the buyer the opportunity to check on his own the characteristics by control and measuring devices where this buyer doubts on the weight and length of the product;

      Subparagraph 6 is set out in the Law of the Republic of Kazakhstan No. 376-V dated 29.10.15 (enacted from January 1, 2016) (refer to earlier version)

      6) at sales of goods, subject to obligatory confirmation of conformity, in the order established by the legislation of the Republic of Kazakhstan in the field of technical regulation upon the demand of the buyer to show him the certificate of conformity (the copy on forms of the established sample) or the declaration of conformity;

      Paragraph 1 is supplemented with Subparagraph 6-1 in accordance with the Law of the Republic of Kazakhstan No. 36-V dated 07.04.16

      6-1) upon request of the buyer present a declaration of conformity or certificate of conformity or the copy thereof indicating the date of issuance of the said copy, which is certified with seal and signed by the head of the legal entity or a person authorized to sign the documents, or by the individual entrepreneur, who are the suppliers of the goods, when selling the goods that are subject to obligatory conformity assurance as prescribed by the legislation of the Republic of Kazakhstan on technical regulation;

      7) use cash registers with fiscal memory in a manner and in the cases provided for by the tax legislation of the Republic of Kazakhstan;

      8) withdraw from circulation the goods that do not meet the safety requirements and standards set forth in Article 32 of the present Law, as well as accept from the buyer the sold goods, compensating its cost in accordance with the legislation of the Republic of Kazakhstan;

      9) comply with the instructions of the state authorities in a prescribed manner;

      10) comply with other requirements set forth by the legislation of the Republic of Kazakhstan.

      2. Subjects of trading activities engaged in the sale of goods through the organization of a trading network or large shopping facilities are prohibited from restricting the access of goods to trading networks or large shopping facilities, expressed in an unreasonable refusal to conclude a contract for the supply of goods or in the conclusion of a contract that is obviously discriminatory by its nature and contains the following conditions:

      1) prohibiting to conclude the supply agreements with other subject of trading activities engaged in the similar activities, as well as with other subjects of trading activities on the same or other conditions;

      2) requiring that the subject of trading activities engaged in the supply of goods provides information on the agreements concluded with other subjects of trading activities engaged in the similar activities.

      3. The subjects of trading activities shall be prohibited from violating the maximum permissible retail prices on socially important food products, set forth by the normative legal acts and established in accordance with Paragraph 2 of Article 9 of the present Law.

      4. The subjects of trading activities shall bear responsibility under the laws of the Republic of Kazakhstan in the case of violation of Paragraphs 2 and 3 of this Article.

      5. If the subject of trading activities involved in the sale of goods by virtue of organization of trade networks and large trading facilities and the supplier conclude the supply agreement under condition that the payment for the goods be made after certain period of time once the goods transmitted to the subject of trading activities involved in the sale of goods by virtue of organization of trade networks and large trading facilities, the payment due date of such goods to be stipulated in the said agreement shall be determined according to the following rules:

      1) food products with expiration date of less than ten calendar days, shall be subject to payment no later than ten working days from the date of transmitting such goods by the subject of trading activities involved in the sale of goods by virtue of organization of trade networks and large trading facilities;

      2) food products with expiration date of ten calendar days or more produced in the Republic of Kazakhstan, shall be subject to payment no later than thirty calendar days from the date of transmitting such goods by the subject of trading activities involved in the sale of goods by virtue of organization of trade networks and large trading facilities.

      6. Payment for goods within the timeframe established by Paragraph 5 of this Article is made if the subject of the trading activity performing the delivery of goods has fulfilled the obligation to transfer documents relating to the goods in accordance with laws, regulations of the Republic of Kazakhstan or the contract.

      The Law is amended with Article 31in accordance with the Law of the Republic of Kazakhstan No. 297-IV dated 30.06.10 (enacted from January 1, 2012); set out in the Law of the Republic of Kazakhstan dated 27.10.15 No. 376-V (enacted from January 1, 2017) (refer to earlier version)

**Article 31-1. The requirement to taxpayers – to the individual entrepreneurs and legal entities providing in rent (use) shopping facilities, trade places in shopping facilities, including those in the trade markets**

      1. Individual entrepreneurs and legal entities are obliged to sign written agreements of rent (use) within one calendar month when providing in rent (use) of shopping facilities, trade places in shopping facilities, including in the trade markets for the term of more than three calendar days. At the same time are subject to obligatory reflection in rent agreements (use):

      1) surname, name, patronymic (if any) the physical person tenant;

      2) full name of the tenant – the individual entrepreneur or the legal entity;

      3) number and document date, the individual tenant proving the identity;

      4) identification number of the tenant;

      5) number (in the presence) and date of signing of the contract of rent (use);

      6) the period of rent (use) with indication of date of its beginning and the termination;

      7) the amount of the rent and (or) the amount of the refunded expenses;

      8) purpose of the shopping facility, trade place in the shopping facility, including in the trade market;

      9) the location of the shopping facility, the trade place in the shopping facility, including in the trade market;

      10) signatures and a seal (if available) the lessor and the tenant;

      11) other conditions according to the agreement.

      2. The individual entrepreneurs and legal entities providing in rent (use) shopping facilities, trade places in shopping facilities including those in the trade markets, are obliged to keep the register of rent agreements (use) and to direct it to bodies of state revenues in terms and in a form which are approved by authorized body in the field of ensuring receipts of taxes and other obligatory payments in the budget.

**Article 32. Requirements for goods**

      1. Appropriate quality goods that meet safety requirements and comply with regulatory documents and technical specifications approved in the established manner, are subject to circulation in the domestic market of the Republic of Kazakhstan.

      2. Quality of goods shall be proved with the following information:

      1) the trademark of the manufacturer;

      2) the country of origin;

      3) the composition of the product;

      4) nutritional value for food products;

      5) the date of manufacture;

      6) period of storage;

      7) indication of the normative document on standardization;

      8) other information as provided in the normative documents on standardization.

      Information on the abovementioned requirements to the quality of goods shall be contained on the tags, labels, inserts in the Kazakh and Russian languages.

      The goods shall be stored and transported in conditions ensuring their quality integrity and compliance with the safety requirements for the consumption, including the compliance with the prescribed conditions of storage in specially equipped premises and of transportation in vehicles specially designed for such purposes, and where provided for the compliance with such requirements shall be confirmed by recording in the relevant documents.

      3. It shall be prohibited to sell:

      1) the goods that have been seized from circulation;

      2) the goods without special permit that are restrictedly tradable;

      3) the excisable goods that are to be marked in a prescribed manner, but having no excise stamp or accounting and control marks;

      4) the goods that do not comply with the requirements provided for by Paragraph 1 of this Article;

      The Paragraph is supplemented with Subparagraphs 4-1 - 4-2 in accordance with the *Law* of the Republic of Kazakhstan No. 364-V dated 27.10.15

      4-1) goods related to military or special uniforms, other uniforms, insignia of servicemen of the Armed Forces, other troops and military formations, law enforcement officers, special state bodies in accordance with the list approved by the authorized body, in coordination with the concerned state bodies, with the exception of procurement under the state defense order and the Law of the Republic of Kazakhstan “On public procurement”;

      4-2) the goods relating to objects of a uniform of bodies of state revenues, except as specified acquisitions of the specified goods according to the Law of the Republic of Kazakhstan "On public procurements";

      The Paragraph is supplemented with Subparagraphs 4-3 - 4-4 in accordance with the *Law* of the Republic of Kazakhstan No. 73-VI dated 15.06.17

      4-3) tools of fishing of fish resources and other water animals the use of which is forbidden by the legislation of the Republic of Kazakhstan;

      4-4) wood products of saxaul during the period of the prohibition of felling of saxaul plantations in areas of the state forest fund, except for its sale by state forest owners in accordance with the forest legislation of the Republic of Kazakhstan;

      5) other goods prohibited for sale under legislation of the Republic of Kazakhstan.

**Article 32-1. Rights of subjects of trading activities**

      1. The subjects of trading activities shall have the right to carry out trading activities in accordance with this Law and legislation of the Republic of Kazakhstan.

      2. The subject of trading activities shall, at his own discretion, determine:

      1) the specialization of trade (universal and (or) specialized trade);

      2) range of goods for sale;

      3) mode of operation;

      4) prices of traded goods, except for the cases stipulated by Article 9 of this Law.

      3. The subject of trading activities may submit with the state authorities the proposals on the improvement of normative legal acts concerning the interests of the subjects of trading activities.

 **Chapter 7. Final provisions**

      Article 33. Excluded by the Law of the Republic of Kazakhstan No. 188-IV dated 17.07.09 (refer to earlier version)

      Law is supplemented by Article 33-1 in accordance with the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); amended in accordance with the Law of the Republic of Kazakhstan No. 376-V dated 29.10.15 (enacted from January 1, 2016) (refer to earlier version)

**Article 33-1. Control over the restricting of access of the goods to trade networks and large trading facilities**

      Control over the restricting of access of the goods to trade networks and large trading facilities is performed by antimonopoly authority in the order established by the Commercial code of the Republic of Kazakhstan.

       Law is supplemented by Article 33-2 in accordance with the Law of the Republic of Kazakhstan No. 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); set out in the the Law of the Republic of Kazakhstan dated 05.07.11, No. 452-IV (shall be enforced upon expiry of three months after its first official publication) (refer to earlier version); Law of the Republic of Kazakhstan dated 24.05.18, No. 156-VI (refer to earlier version)

**Article 33-2. Article 33-2. State control over compliance with the size of the maximum permissible retail prices for socially important food products**

      State control over compliance with the size of the maximum permissible retail prices for socially important food products shall be carried out in the form of inspection and preventive control with a visit to the subject (object) of control.

      Refer to: Order of the Minister of National Economy of the Republic of Kazakhstan No. 49 "On approval of the checklist for compliance with the legislation of the Republic of Kazakhstan on the regulation of trading activities" dated February 1, 2016

      2. Inspection is carried out in accordance with the Commercial Code of the Republic of Kazakhstan. Preventive control with a visit to the subject (object) of control is carried out in accordance with the Commercial Code of the Republic of Kazakhstan and this Law.

      3. Preventive control with a visit to the subject (object) of control is carried out by visiting shopping facilities and is aimed at monitoring compliance with the level of the maximum permissible retail prices for socially important food products.

      4. Preventive control with a visit to the subject (object) of control is carried out on behalf of akims of the region, city of republican significance, the capital.

      5. In case of detection of exceeding the level of the maximum permissible retail prices for socially important food products, according to the results of preventive control with a visit the subject (object) of control, an order is made to eliminate the revealed violation in the form established by the authorized body in the field of legal statistics and special accounts.

      6. Control of execution of instructions about immediate elimination of the violations revealed by results of other forms of control is carried out by means of the unscheduled inspections which are carried out according to the Commercial Code of the Republic of Kazakhstan.

**Article 34. Settlement of disputes**

      Any dispute arising in the course of the state regulation of trading activities shall be settled in accordance with the legislation of the Republic of Kazakhstan.

**Article 35. Responsibility for violating legislation of the Republic of Kazakhstan on trading activities**

      Any person guilty of violating the legislation of the Republic of Kazakhstan on trading activities shall bear liability under the laws of the Republic of Kazakhstan.

**Article 36. The order of enforcement of this Law**

      This Law shall be enforced from the date of its official publication.

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*The President*
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*Of the Republic of Kazakhstan*
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*N. NAZARBAYEV*
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