

On Export Control

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 21 July, 2007 № 300. Expired by the Law of the Republic of Kazakhstan dated December 28, 2022 № 172-VII.

Unofficial translation

Footnote. The Law became invalid by the Law of the Republic of Kazakhstan dated 12/28/2022 No. 172-VII (comes into force after sixty calendar days after the date of its first official publication).

This Law establishes the basis and procedure of carrying out of export control of armament, military equipment, nuclear and special non- nuclear materials, military products, goods and technologies of dual application (purpose), raw materials, materials, equipment, technologies, scientific and technical information and services, related with their production and use in the interests of international and national security, and strengthening of regime of non-proliferation of mass destruction weapons

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

1) goods and technologies of dual application (purpose) – an equipment, materials, raw materials, technologies, scientific and technical information, which are used for the civil purposes, but may be applied for production of armament, military equipment and ammunition, as well as mass destruction weapons and delivery vehicles;

2) mass destruction weapons - chemical, bacteriological (biological), radiological, nuclear and toxin weapons;

3) delivery vehicles - missiles and unmanned aerial vehicles, capable to deliver of mass destruction weapons (capable to deliver a payload of at least 500 kg to a range of 300 km or more);

4) rights to the result of intellectual creative activity – copyright to the scientific works, programs for electronic computer, maps, plans, sketches, illustrations and three-dimensional works, related with armament, military equipment, goods and technologies of dual application (purpose) special equipment and technologies for creation of mass destruction weapons, rights to invention, useful models, industrial designs, integrated circuit topographies, rights to undisclosed information, including secrets of production of "know-how";

5) import – import of products into the territory of the Republic of Kazakhstan;

6) guarantee liability of importer (end- user) on the use of products in the declared purposes, on non-transfer it to other person and non-admission of it реэкспорта to the third countries without permission of authorized body;

7) warranty obligation - official certification of the receiving country, issued by the competent authority of the receiving country, on the use of imported products for the declared purposes and prevention of their re-export to third countries without the consent of the selling country;

8) reimport - re-importation in the unchanged state of Kazakh products, previously exported from the territory of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

9) re-export – export of products, previously imported into the territory of the Republic of Kazakhstan, produced abroad, or export of products, produced in the Republic of Kazakhstan, from the territory of other state to the third countries;

10) the state bodies of the Republic of Kazakhstan of system of export control – central executive bodies of the Republic of Kazakhstan, carrying out within the competence of export control, established by the Laws;

11) products – goods, technologies, works, services, information, subject to the export control;

12) processing of products outside the territory of the Republic of Kazakhstan – export and use of Kazakh goods outside the territory of the Republic of Kazakhstan for the purposes of their processing and subsequent import of goods to the territory of the Republic of Kazakhstan, carrying out in accordance with the legislation of the Republic of Kazakhstan;

13) nomenclature (list) of products – a list of goods, technologies, works, services and information, subject to the export control;

14) participants of foreign economic activity (applicant) – individual or legal entity, carrying out export, re-export, import, re-import, transit and processing of products outside the territory of the Republic of Kazakhstan’

15) transit - transfer of products under customs control through the territory of the Republic of Kazakhstan;

16) comprehensive control – control of products, not including to the nomenclature (list) of products;

17) authorized body – the state body, carrying out the state regulation in the field of export control;

18) intercompany system of export control- complex of measures of organizational, administrative, informational, and other nature, carrying out by the participants of foreign economic activity (applicants) for the purposes of observance of rules of export control;

19) export – exportation of products from the territory of the Republic of Kazakhstan;

20) export control – a set of measures, established by this Law and other regulatory legal acts of the Republic of Kazakhstan in the field of export control, on implementation by the state bodies of the Republic of Kazakhstan of system of export control and participants of foreign economic activity (applicants), using intercompany systems of export control, procedure of export, re-export, import, re-import, transit or processing of products outside the territory of the Republic of Kazakhstan;

21) nuclear and special non-nuclear materials – materials, determined as such in accordance with requirements of international regime of non-proliferation of nuclear weapons.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010); dated 18.03.2019 № 237-VI (shall be enforced upon the expiration of twenty-one calendar days after the day of its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on export control

1. The legislation of the Republic of Kazakhstan on export control shall be based on the Constitution of the Republic of Kazakhstan, consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Article 3. the scope of application of this Law

The effect of this Law shall be distributed to the export, re-export, import, re-import, transit and processing of products outside the territory of the Republic of Kazakhstan, specified in Article 8 of this Law, as well as an activity of the state bodies of the Republic of Kazakhstan of system of export control, participants of foreign economic activity (applicants).

Footnote. Article 3 as amended by the Law of the republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010).

Article 4. Basic purposes and principles of export control

1. Basic purposes of export control shall be:

- 1) ensuring of national security;
- 2) strengthening of regime of non-proliferation of mass destruction weapons;
- 3) assistance in formation of stable and secure system of international relations;

4) promotion of international security and stability, prevention of non-proliferation of mass destruction weapons and delivery vehicles.

2. Basic principles of export control shall be:

1) observance of international treaties of the Republic of Kazakhstan on non-proliferation of mass destruction weapons, delivery vehicles and other types of armament and military equipment;

2) priority of political interests in carrying out of export control;

3) accessibility of information on the legislation of the Republic of Kazakhstan on export control;

4) inadmissibility of support of terrorism and extremism;

5) correspondence of procedures and rules of export control to the generally accepted international norms and practice.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 03.11.2014 No. 244-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. The competence of the Government of the Republic of Kazakhstan in the field of export control

The Government of the Republic of Kazakhstan in the field of export control:

1) develop the basic directions of the state policy in the field of export control;

2) form the state system of export control in the Republic of Kazakhstan;

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

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

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

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

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

8) approve the nomenclature (list) of products;

9) exercise other functions, imposed on it by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. The competence of the authorized body

An authorized body shall:

1) carry out implementation of the state policy in the field of export control and coordinate an activity of the state bodies of the Republic of Kazakhstan of the system of export control;

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

4) control the export, re-export, import, re-import, transit and processing of products outside the territory of the Republic of Kazakhstan within the established competence;

5) carry out licensing of export and import of products;

6) develop the measures and carry out cooperation in the field of export control with the foreign states and international organizations;

7) carry out control if it is necessary, on the pre-shipment stage and (or) end use of products together with the state bodies of the Republic of Kazakhstan of system of export control;

8) issues a guarantee in the form of an end-user certificate when importing products ;

9) issues permits for transit of products;

10) issue conclusions on assignment of goods, technologies, works, services, information to the products to the applicants and interested state bodies;

11) issue permission for processing of products outside the territory of the Republic of Kazakhstan;

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

13) exercise 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;

14) approve the rules of licensing of export and import of products;

- 15) approve the rules of formation of guarantee liabilities of importers (end users) and verifications of their execution;
- 16) approve the rules of issuance of permissions for transit of products;
- 17) approve the rules of issuance of permission for processing of products outside the territory of the Republic of Kazakhstan;
- 18) approve the qualifying requirements to the intercompany systems of export control of participants of foreign economic activity (applicants);
- 19) approve the rules of issuance of permissions for re-export of products;
- 20) issue permissions for re-export of products.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 No. 188 (the order of enforcement see Article 2); dated 19.03.2010 No. 258 -IV; dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015) ; dated 18.03.2019 № 237-VI (shall be enforced upon the expiration of twenty-one calendar days after the day of its first official publication).

Article 7. The competence of the state bodies of the Republic of Kazakhstan of system of export control

The state bodies of the Republic of Kazakhstan of system of export control:

- 1) prevent and suppress illegal transfer of products through the State border of the Republic of Kazakhstan;
- 2) coordinate the issues of export, re-export, import, transit and processing of products outside the territory of the Republic of Kazakhstan within its competence.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010).

Article 8. Types of products, subject to the export control

The types of products, subject to the export control shall include:

- 1) conventional armament and military equipment, raw materials, materials, special equipment and technologies, works and services, related with their production;

2) nuclear and special non-nuclear materials, equipment, facilities, technologies, ionizing radiation sources, equipment and relevant goods and technologies of dual application (purpose), works and services, related with their production;

3) chemicals, goods and technologies of dual application (purpose), which may be used upon creation of chemical weapon, according to the list, check lists, established by international regimes of export control;

4) pathogens, genetically modified forms and fragments of genetic material that can be used upon creation of bacteriological (biological) and toxin weapon, the lists, check lists of which are established by the international regimes of export control;

5) missilery, engines, their components, equipment, materials and technologies used upon creation of missilery, the lists, check lists of which are established by the international regimes of export control;

6) types of mass destruction weapons;

7) scientific and technical information, services and results of intellectual creative activity, related with products for military purposes, goods and technologies of dual application (purpose).

Article 9. Export control and procedure of its carrying out

1. Export control shall be carried out in accordance with the legislation of the Republic of Kazakhstan, international treaties of the Republic of Kazakhstan on non-proliferation of mass destruction weapons, delivery vehicles and other types of armament and military equipment, ratified by the Republic of Kazakhstan.

2. Export and import of products shall be carried out on the basis of license.

3. Licensing of export and import of products shall be carried out in accordance with the legislation of the Republic of Kazakhstan on permissions and notifications.

4. Re-export of products originating from the Republic of Kazakhstan is carried out by permission of the authorized body based on the warranty obligation

5. Re-export of products, brought to the territory of the Republic of Kazakhstan shall be carried out by permission of competent body of country of origin.

6. Transfer through the State border of the Republic of Kazakhstan for the purposes of repair (modernization) of equipment, products, being in service (equipment) with the Armed Forces of the Republic of Kazakhstan, other troops and military formations or military formations of other states, temporary located in the territory of the Republic of Kazakhstan, as well as processing of products outside the territory of the Republic of Kazakhstan shall be carried out by decision of the authorized body.

7. Export of products for demonstration at exhibitions, minimum number of samples of raw materials or industrial products, subject to the export control, from the territory of the Republic of Kazakhstan, for conducting of investigations (certification) for the purposes of determination of possible demand for this raw material or industrial

products, subject to the export control, not having commercial value, as well as samples of tests selected by inspectors of international organizations for execution of international treaties, ratified by the Republic of Kazakhstan shall be carried out without license.

Export from the territory of the Republic of Kazakhstan of conventional arms and military equipment of the Armed Forces of the Republic of Kazakhstan, other troops and military formations to meet the international obligations of the state, as well as participation in exercises, shows, contests, exhibitions, parades, competitions, demonstration events, tests is carried out without a license on the basis of the list approved by the first head of the relevant state body of the Republic of Kazakhstan.

Import to (export from) the territory of the Republic of Kazakhstan of conventional arms and military equipment belonging to foreign state bodies or organizations required to be involved in the conduct of exercises, shows, contests, exhibitions, tests, parades, demonstration events organized by the Armed Forces of the Republic of Kazakhstan, other troops and military formations, the authorized body in the field of defense industry and the state defense order in the territory of the Republic of Kazakhstan, is carried out without a license on the basis of the list approved by the first head of the relevant state body of the Republic of Kazakhstan.

7-1. Import into the territory (export from the territory) of the Republic of Kazakhstan of conventional armament and military equipment, necessary for functioning of national contingent of the Republic of Kazakhstan or conducting of peacekeeping training shall be carried out without application of prohibitions, restrictions, permits or licenses and without collection of customs duties,, taxes and other charges on the basis of military passes, issued by the authorized body in the field of defence.

8. Control of transfer of products through the State border of the Republic of Kazakhstan shall carry out the bodies of state revenues.

9. Upon implementation of foreign trade transactions, an applicant under conditions of contract shall be obliged to provide ensure of access of the state bodies of the Republic of Kazakhstan of the system of export control to verification of end use of products, unless otherwise provided by international treaties, ratified by the Republic of Kazakhstan.

10. An authorized body shall have a right to determine authenticity of presented permission of competent body of country of origin of products.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010); dated 16.05.2014 No. 203 -V (shall be enforced upon expiry of six months after its first official publication); dated 07.11.2014 No. 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.06.2015 No. 321-V (shall be enforced upon

expiry of ten calendar days after its first official publication) ; dated 18.03.2019 № 237 -VI (shall be enforced upon the expiration of twenty-one calendar days after the day of its first official publication).

Article 10. Comprehensive control

1. For the purposes of ensuring requirements of comprehensive control, participants of foreign economic activity (applicants) shall be prohibited conclusion of foreign trade transactions with products, results of intellectual creative activity or participate in them by any other manner in the case, if they know certainly, that this products and results of intellectual creative activity will be used by the foreign state or foreigners or foreign legal entities for the purposes of creation of mass destruction weapons and delivery vehicles.

2. Participants of foreign economic activity (applicant) shall be obliged to obtain a license of the authorized body for implementation of foreign trade transactions with products, results of intellectual creative activity, not falling within the Article 8 of this Law in the manner established by the legislation of the Republic of Kazakhstan on permissions and notifications, in the cases, when:

1) they were informed by the authorized body or other state body of the Republic of Kazakhstan of the system of export control that this products and results of intellectual creative activity may be used for the purposes, specified in paragraph 1 of this Article;

2) they have the reason to suppose that this products and results of intellectual activity may be used for the purposes, specified in paragraph 1 of this Article.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication).

Article 11. Intercompany system of export control in the organizations

Intercompany systems of export control shall be created by the participants of foreign economic activity (applicants) for ensuring execution of rules of export control, established by this Law and other regulatory legal acts of the Republic of Kazakhstan upon carrying out of foreign economic activity in relation of products, which may be used upon creation of mass destruction weapons, delivery vehicles and other types of armament and military equipment, prevention of infractions in the specified scope.

Article 12. State control at the pre-shipment stage and (or) end use of products

State control at the pre-shipment stage and (or) end use of products is carried out in the form of inspection and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 12 of the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced ten calendar days after the day of its first official publication).

Article 13. Accounting of foreign trade transactions

1. Participants of foreign economic activity (applicants) for the purposes of export control shall be obliged to maintain accounting of foreign trade transactions with products.

2. Documents relating to the foreign trade transactions with products, results of intellectual creative activity shall be stored during five years, if longer extended storage period is not established by the legislation of the Republic of Kazakhstan.

3. Rules and form of accounting of foreign trade transactions for the purposes of export control shall be determined by the authorized body.

Article 14. Participation of the Republic of Kazakhstan in the international sanctions, related with export control

Participation of the Republic of Kazakhstan in the international sanctions, related with export control, in relation of one state or number of states and introduction of these sanctions into effect shall be determined by the legislation of the Republic of Kazakhstan on the basis of decisions of United Nations Organizations or other international organizations. In some cases such sanctions may be applied by the Republic of Kazakhstan in the unilateral procedure.

Article 15. Restriction of export, import, transit and processing of products outside the territory of the Republic of Kazakhstan

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010).

1. The Republic of Kazakhstan shall have a right to impose restrictions on export, import, transit and processing of products outside the territory of the Republic of Kazakhstan up to embargo in relation of foreign states in the case of violation them the obligations, adopted before the Republic of Kazakhstan, as well as by the decision of international organizations, the participant of which is the Republic of Kazakhstan.

2. The Government of the Republic of Kazakhstan on the basis of interests of ensuring of national security and execution of international treaties of the Republic of Kazakhstan shall determine the list of states, in relation of which the restriction of

export, import, transit and processing of products outside the territory of the Republic of Kazakhstan is introduced and annually publish information on sanctions in relation of separate states and organizations for details of participants of foreign economic activity (applicants).

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010).

Article 16. Obligation on provision of information in the field of export control

1. An authorized body shall have a right to request and receive the necessary documents and information, relating to the field of export control from the state bodies of the Republic of Kazakhstan of the system of export control and bodies of foreign states, participants of foreign economic activity (applicants).

2. The state bodies of the Republic of Kazakhstan of the export control system and the authorized body for financial monitoring have the right to request and receive from the authorized body, other state bodies of the Republic of Kazakhstan of the export control system and bodies of foreign states, participants in foreign economic activity (applicants) the necessary documents and information related to the area export control.

3. Documents and information provided by participants in foreign economic activity (applicants) in the field of export control are used solely for the purpose of export control.

Documents and information received from participants in foreign economic activity (applicants) in the field of export control are used by the authorized body for financial monitoring solely for the purpose of countering the legalization (laundering) of proceeds from crime and the financing of terrorism, preventing, interfering and stopping the proliferation of weapons of mass destruction and its funding.

4. Documents and information constituting state secrets, commercial and other secrets protected by law, as well as confidential information relating to participants in foreign economic activity (applicants), in the field of export control cannot be disclosed, used by officials of the authorized body for financial monitoring, the authorized body and state bodies of the Republic of Kazakhstan of the export control system for non-official purposes, as well as transferred to state bodies and third parties, with the exception of cases provided for by the laws of the Republic of Kazakhstan.

5. Participants in foreign economic activity (applicants) are obliged, at the request of the authorized body for financial monitoring, the authorized body and state bodies of the Republic of Kazakhstan of the export control system, to provide documents and information necessary for the said bodies to perform the tasks and functions provided for by this Law.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated May 13, 2020 No. 325-VI (shall be enforced six months after the day of its first official publication).

Article 17. Purposes and forms of international cooperation of the Republic of Kazakhstan in the field of export control

1. The Republic of Kazakhstan shall cooperate with the foreign states and international organizations in the field of export control and strengthening of regimes of non-proliferation of mass destruction weapons.

2. International cooperation of the Republic of Kazakhstan in the field of export control shall be carried out for the purposes of:

1) coordination of efforts and interaction with foreign states on prevention of proliferation of mass destruction weapons, delivery vehicles, as well as technologies of their creation;

2) assistance in formation of stable and secure system of international relations;

3) creation of favorable conditions for integration of the economy of the Republic of Kazakhstan to the global economy on an equal and mutually beneficial basis;

4) activation of participation of the Republic of Kazakhstan in the international product refunds, results of intellectual creative activity, as well as rights for the results of intellectual creative activity, increase opportunities for the access of participants of foreign economic activity (applicants) to the world markets of high technologies;

5) improvement of international and intrastate mechanisms of export control, revelation of facts of violation of the legislation of the Republic of Kazakhstan on export control and persons, committed them.

3. International cooperation of the Republic of Kazakhstan in the field of export control shall be carried out by participation of the Republic of Kazakhstan in the international regimes of export control and international forums, conduct of negotiations and consultations with foreign states and international organizations, mutual exchange of information, as well as implementation of joint programs and other measures in the specified field on a bilateral and multilateral basis.

4. The state bodies of the Republic of Kazakhstan shall carry out interaction in the field of export control with international organization, state bodies of foreign countries, as well as with foreign non-governmental organizations within its competence in the manner established by the legislation of the Republic of Kazakhstan. The Republic of Kazakhstan shall encourage development of contacts and exchange of information between domestic organizations and foreign non-governmental organizations, the purpose of which is assistance to the effective functioning of intrastate mechanisms of export control.

Article 18. Responsibility for violation of the legislation of the Republic of Kazakhstan on export control

Violation of the legislation of the Republic of Kazakhstan on export control shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Article 19. Appeal of decisions and actions (omission) of civil servants of the authorized body and the state bodies of the Republic of Kazakhstan of the system of export control

Decision and actions (omission) of civil servants of the authorized body and the state bodies of the Republic of Kazakhstan of the system of export control upon carrying out of export control may be appealed in accordance with the legislation of the Republic of Kazakhstan.

Article 20. The order of enforcement of this Law

1. This Law shall be enforced upon expiry of six months after its first official publication.

2. Shall be deemed to have lost force the Law of the Republic of Kazakhstan dated 18 June, 1996 “On export control” (Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 8-9, Article 240; 2000, No. 20, Article 377; 2003, No. 18, Article 143; 2004, No. 23, Article 142; 2007, No. 2, Article 18).

The President
of the Republic of Kazakhstan