



## **On Use of Air Space of the Republic of Kazakhstan and Aviation Activity**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 15 July 2010 No. 339-IV.

#### **Unofficial translation**

This Law regulates public relations related to the use of the airspace of the Republic of Kazakhstan and the aviation activities and determines the procedure for the use of airspace and aviation activities in order to protect human life and health, environment, the interests of the state, ensure the safety of aircraft operations and meet the needs of the economy of the Republic Kazakhstan, individuals and legal entities in aviation services.

**Footnote. Preamble in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Chapter 1. GENERAL PROVISIONS**

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

The following basic definitions shall be used:

- 1) accident rescue operations – the set of measures, oriented to well-timed rendering of assistance to those suffering distress or distressed;
- 2) air company – a legal entity, who has certification of air operator of civil aerial vehicles ;
- 3) air route certificate – the document to the right of use of aviation route for performance of regular flights;
- 4) aviation – all types of organizations, the activity of which is oriented to creation of conditions and use of the air space by a human using the aerial vehicles;
- 5) aviation works – the specialized operations, performed by the air operator with the use of civil aerial vehicles on behalf of other individuals and (or) legal entities;
  - 5-1) certificate for the right to perform aviation work - a document of the established form , issued by an authorized civil aviation organization, certifying the admission of the operator to aviation work;
- 6) aviation security - protection of civil aviation from the acts of unlawful interference, which is achieved by implementing a set of measures and attracting human and material resources;

**6-1) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);**

- 7) aviation activity – all types of activity, oriented to creation of conditions and use of the air space by a human using the aerial vehicles;
- 8) aviation services – the services of civil aviation, linked with organization and ensuring of airborne transportation of passengers, luggage, cargo, postal matters and with performance of aviation works for payment or on hire;
- 9) illegal interruption in aviation activity – unlawful act encroaching on safe aviation activity, entailed misfortunes with people, financial damage, despoliation or hijacking of aerial vehicle or created the threat of ensuing of such consequences;
- 10) aviation route - air route or set of geographical descriptions of ground surface, above which their communication between the points of air carriage shall be carried out;
- 10-1) aviation medicine - a field of medicine studying medical support for aviation flights ;
- 10-2) aviation medical inspector - an aviation inspector of the authorized civil aviation organization, who has qualifications and experience in the aviation medicine and is authorized to carry out certification, control and supervision in the civil and experimental aviation;
- 10-3) aviation medical center - a legal entity carrying out medical examination in the civil aviation;
- 10-4) certificate of an aviation medical center - a standard document certifying compliance of an aviation medical center with certification requirements;
- 10-5) aviation medical expert - a doctor who holds a certificate of an aviation medical expert, who has been trained and has practical skills and work experience in aviation medicine, appointed by the authorized civil aviation organization to conduct medical examinations of persons directly related to the performance and provision of flights of aircraft and their maintenance, air traffic services, for obtaining licenses or ratings;
- 10-6) certificate of an aviation medical expert - a standard document that authorizes an aviation medical expert to conduct a medical examination and issue a medical certificate;
- 11) aviation training centre – a legal entity, carrying out the training, re- training and maintenance of professional level of aviation personnel;
- 12) aviation training centre certification – the standard type document, certifying the conformity of the aviation educational organization to certification requirements;
- 13) certification of maintenance operations and repair of aviation equipment – the standard type document, certifying the conformity of the organization on maintenance operations and repair of aviation equipment to certification requirements;
- 14) aviation personnel – individuals, who have the specialized and (or) professional training, carry out the activity on performance and operation of flights of aerial vehicles, airborne transportations and aviation works, maintenance operations of aerial vehicles, organization of air traffic maintenance, air traffic control;

14-1) aviation hub - is an air transport hub airport having the necessary infrastructure for arranging connecting flights, which is used by airlines as an intermediate point for delivery of passengers, luggage, postal items and cargo to the destination point;

15) aerodrome section of the road – particular section of the road, authorized by the body in the scope of state aviation, used for takeoff and landing of aerial vehicles of the state aviation upon deciding official and military tasks and tasks of battle training;

15-1) civil aviation fees - payment of individuals and legal entities for services provided by an authorized civil aviation organization, and also mandatory deductions from legal entities for its ongoing supervision of flight safety and aviation security to the budget of the authorized civil aviation organization;

16) authorized body in the scope of civil aviation – the central executive body, carrying out the management in the field of use of the air space of the Republic of Kazakhstan and activity of the civil and experimental aviation;

16-1) an authorized organization in the field of civil aviation - a joint-stock company with one hundred percent participation of the state in the authorized capital, carrying out activities aimed at ensuring sustainable development of the civil aviation industry of the Republic of Kazakhstan, flight safety and aviation security;

16-2) employees of the authorized organization in the field of civil aviation - employees of the authorized organization in the field of civil aviation holding the positions of the first head and his deputies, heads of structural divisions and aviation inspectors;

16-3) international organizations in the field of civil aviation - international organizations operating in the field of civil aviation and adopting aviation regulations aimed at ensuring safety, regularity, efficiency and regulation of other issues of air transport;

17) aeronautical standard of the international organization in the scope of civil aviation – the requirement, regulating organization and carrying out particular aspects of activity of the civil aviation, accepted by the international organization in the scope of civil aviation;

18) organization of civil aviation – a legal entity, carry out the activity in the scope of civil aviation;

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

19-1) civil-military coordination system – a set of measures aimed at the safe and effective use of airspace by all types of aviation;

20) certificate of the operator of civil aircraft - a document issued by an authorized organization in the field of civil aviation, certifying the compliance of the operator with the Rules for the certification of operators of civil aircraft and certification requirements;

21) certificate of state registration of a civil aircraft - a document of the established form issued by an authorized organization in the field of civil aviation and confirming the entry of a civil aircraft into the State Register of Civil Aircraft of the Republic of Kazakhstan;

22) certificate of airworthiness of a civil aircraft - a document issued by an authorized organization in the field of civil aviation, certifying the compliance of a civil aircraft with airworthiness standards;

23) aerial vehicle suffered disaster – the aerial vehicle, received serious damage upon taxiing operation, flying-off, landing or crashing or fully destroyed, as well as the aerial vehicle committed unscheduled landing beyond the aerodrome;

24) aerial vehicle suffering disaster – when an aerial vehicle or people on board are threatened by immediate danger or when radio communication is lost and location of this vehicle is unknown;

25) flights of specific importance – the status assigned by the state bodies, authorized by the Government of the Republic of Kazakhstan on flights of aerial vehicles, as well as on route (flights) of their travel during airborne transportation of protected persons of the Republic of Kazakhstan;

26) flying club – the legal entity that use the aerodrome (helicopter aerodrome), airport on the basis of property or other legal basis and carry out the activity of air operators of general aviation in cases, provided by this Law;

27) aeronautical information – information, received in the results of collection, analysis and processing of data for the purpose of flight operations of aerial vehicles, air traffic maintenance and air traffic control;

28) aeronautical information document – the document that contains information, and has significant importance for flight operations, air traffic maintenance and air traffic control, approved and published in the established manner;

28-1) aeronautical service – the complete services, linked with air traffic maintenance, operation of radio equipment and means of communication, meteorological and search and rescue flight operations, provision of aeronautical information;

29) aeronautical organization – the organization of civil aviation, carrying out air traffic maintenance and transfer of required meteorological information to the board of aerial vehicle , provision of aeronautical information for air space users and operation of radio equipment and means of communication;

29-1) certification of the air traffic support body and (or) radio equipment and communications operation service of aeronautical organization – the standard type document, certifying the conformity of air traffic support body and (or) radio equipment and communications operation service of aeronautical organization with certification requirements ;

29-2) fair culture - the principle of ensuring flight safety, in which aviation personnel and other civil aviation employees report errors or misconduct and are not held liable for errors or misconduct in the civil aviation, except as provided by this Law;

30 aerodrome – particular region of ground or water surface (including buildings, constructions and equipment), intended fully or partially for arrival, departure and movement of aerial vehicles over this surface;

31) certificate of an aerodrome (heliport) airworthiness - a document issued by an authorized civil aviation organization, certifying compliance of an aerodrome (heliport) with the certification requirements;

32) aerodrome environs – the territory of ground surface with the centre in aerodrome check point and with the radius, determined by the authorized bodies in the scopes of civil and state aviation;

33) aerodrometeorological body – the service, located on aerodrome, intended for meteorological support of flights of aerial vehicles;

34) aerodrome traffic – the traffic of aerial vehicles and means of transport on the maneuvering area of an aerodrome, as well as flights of all aerial vehicles in the region of aerodrome;

35) aerodrome check point – the check point, determining the geographic location of an aerodrome;

36) airport – the complex of constructions, intended for receipt and departure of aerial vehicles, service of airborne transportation and having an aerodrome, airport terminal, other required constructions and equipment for these purposes;

37) airport activity – the activity, carried out by individuals and (or) legal entities in airports, linked with provision of airborne transportations, aviation works, flight operating safety and aviation security;

38) certificate of the aviation security service of the airport (aerodrome) - a standard document certifying compliance of the aviation security service of the airport (aerodrome) with certification requirements;

39) control zone of airport – the working area of airport, aerodrome, objects of aeronautical flight operations and the territory, adjoining to them, outbuildings, constructions, storage facilities, the access to which shall be controlled by the service of aviation security;

39-1) spare parts for aircraft - aircraft parts that are not equipment, which are integral components of the vehicle, used for repair or replacement of parts, including engines and propellers;

40) aerial vehicle – the apparatus, maintained in the atmosphere due to its interaction with air, excluding the interaction with air, reflected from the ground (water) surface;

41) a carrier – the air carrier who shall deliver all the seat capacity or part of seat capacity of one aerial vehicle (or several aerial vehicles) with crew team for one or several flights for a valuable consideration to the other party (freighter) in accordance with the contract of affreightment (charter) for transportation of passengers, luggage, cargo, postal matters or for other purposes and shall render the services on its management and on its technical operation using own efforts;

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

43) a freighter – the individual or legal entity, concluded the contract of affreightment ( charter) with air carrier (carrier) on transfer of all the seat capacity or part of seat capacity of one aerial vehicle (or several aerial vehicles) in use with crew team for one or several flights for transportation of passengers, luggage, cargo, postal matters or for other purposes;

44) maximum certified takeoff weight of aerial vehicle – the maximal acceptable takeoff weight of aerial vehicle, mentioned in the type certification or air worthiness certification of civil aerial vehicle;

45) flight of aerial vehicle – the movement of aerial vehicle on ground (water) surface and in air space from the beginning of takeoff roll (lift-off from the ground or water surface during vertical takeoff) until the end of roll operation (release of the flight strip without a stop ) or wheels-on of the ground (water) surface during the vertical landing;

46) use regime of air space – temporary procedure for use of particular elements of the structure of air space of the Republic of Kazakhstan, established for carrying out activity, requiring the specialized organization of use of the air space;

47) air traffic – the movement of aerial vehicles, being in flight and on the maneuvering area of an aerodrome;

48) air traffic maintenance – the inflight and information service, alarm reporting, dispatching service of air traffic (region dispatching service, approach dispatching service or aerodrome dispatching service);

49) air traffic support body – the body of dispatching service of air traffic, centre of flight information or report centre, concerning the air traffic maintenance by the aeronautical organization;

50) air traffic control – the complex process of planning, coordination, flight operations, immediate air traffic control of aerial vehicles on the ground and in the air, as well as control for compliance with established regime of flights and procedure for use of the air space;

51) air traffic control body – the control centre or control unit of the state aviation, carrying out the control of air traffic within its competence and in the zones and regions, established for it;

51-1) Air traffic management – a dynamic and integrated air traffic and airspace management carried out in a safe, economical and efficient manner, including air traffic services, airspace management and air traffic flow management, by providing facilities and continuous maintenance in cooperation with all parties and using airborne and ground functions;

52) airborne transportation – the activity of individuals and legal entities on transportation of passengers, luggage, cargo and postal matters through the aerial vehicles;

53) air path – the air space in the form of corridor intended for flights of aerial vehicles and equipped by aeronautical equipment;

53-1) contract of affreightment (charter) – the contract of carriage (freight) according to which, a lessor (carrier) shall be obliged to assign all the seat capacity or part of the seat capacity of one aerial vehicle (or several aerial vehicles) to a lessee (freighter) for a valuable consideration for temporary possession and use for one or several flights for transportation of passengers, luggage, cargo, postal matters or for other purposes and shall render the services on its management and on its technical operation using own efforts;

53-2) flight recorder – any recording device installed on board an aircraft as an additional source of information for the investigation of an accident or incident;

53-3) competency-based training and assessment system - a system for training and assessing the aviation personnel, which is characterized by a focus on results, a special attention to performance standards for the efficiency of operations and measurement of these standards, as well as development of a training course based on established performance standards;

54) zone of responsibility – the air space of particular size in which the air traffic support body or control body of the air traffic carries out its functions;

54-1) ground handling - a service required upon the aircraft arrival at an airport ( aerodrome) or departure of an aircraft from an airport (aerodrome), not including air traffic services;

54-2) ground handling service provider - an individual or legal entity providing ground handling services on the territory of an airport (aerodrome), with the exception of an airport ( aerodrome) operator and an air company that independently services its aircraft, passengers, baggage, freight and mail;

55) a passenger – an individual, not included to the composition of a crew team and transmitted on an aerial vehicle in accordance with the air carriage agreement or on the basis of other legal grounds;

55-1) inspection order - an individual act issued by an aviation inspector of an authorized organization in the field of civil aviation based on the results of control and supervision to individuals or legal entities to eliminate the violations identified;

56) a member of cabin crew – a person, relating to aviation personnel that shall fulfill the obligations on the board of aerial vehicle, assigned to him (her) by an air operator or commander of aerial vehicle, but not being the member of flying crew on behalf of safety and for the purposes of passenger service and (or) transportation of cargos;

57) commercial airborne transportation – the activity of legal entities on transportation of passengers, luggage, cargos and postal matters by the civil aerial vehicles or on hire in accordance with the air carriage agreement;

57-1) protected restricted access zone – sections of the controlled area of the airport, defined by the highest risk zones, in which, in addition to access control, other control measures are applied for security purposes;

58) State register of civil aerial vehicles of the Republic of Kazakhstan – the document, in which the state registration of civil aerial vehicles of the Republic of Kazakhstan, rights to them and transactions with them shall be made;

59) air space of the Republic of Kazakhstan – the air space over dry land and water territory of the Republic of Kazakhstan, as well as over its territorial seas;

60) Register of aerial vehicles of the state aviation of the Republic of Kazakhstan – the document in which the state registration of aerial vehicles of the state aviation of the Republic of Kazakhstan shall be made;

60-1) irrevocable power – the power of an individual or legal entity, in favour of which the right to impose requirements for exclusion from the State register of civil aerial vehicles of the Republic of Kazakhstan (deregistration) and exportation of an aerial vehicle is given in accordance with the Minutes on aviation equipment to the Convention on international guarantees in relation to mobile equipment;

61) danger zone – the air space of established sizes within which the activity, constituting the danger for flights of aerial vehicles may be carried out in particular periods of time;

61-1) dangerous goods - products or substances that pose a threat to life and health, safety and property of a person or the environment, specified in the list of dangerous goods, determined by the technical instructions for the safe transport of dangerous goods by air of the International Civil Aviation Organization (ICAO);

61-2) system of remote identification - a system that provides local broadcast of information about an unmanned aircraft during a flight;

62) landing place – the plot of land, ice, water surface, surface of construction, as well as surface of floating structure intended for takeoff, landing, taxiing operation and parking stand of aerial vehicles;

63) alternate aerodrome – the aerodrome on which the aerial vehicle may proceed in the case, if it is impossible or inadvisable to proceed on the aerodrome of planned landing or perform the landing on it;

63-1) medical examination – establishment or confirmation of the presence or absence of an illness in aviation personnel, determination of the state of health, as well as temporary disability, professional fitness to work in the assigned shift;

63-2) medical certificate – a standard document issued on the basis of positive results of a medical examination, confirming the applicant's compliance with the requirements for fitness for health reasons, and providing admission to professional activity;

63-3) the body of control and supervision over state aviation activities - is the structural subdivision of the authorized body in the field of state aviation, which exercises state control and supervision over the state aviation activities;

64) authorized body in the scope of state aviation – the central executive body, carrying out the management in the field of use of air space of the Republic of Kazakhstan and activity of the state aviation;



65) meteorological information – the meteorological report, analysis, forecast and any other information, concerning the factual or expected meteorological conditions, intended for the users of air space;

65-1) guidance material - a document containing a description of processes and procedures intended for aviation inspectors of the authorized civil aviation organization in order to uniformly apply the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities, standards and recommended practices of the International Civil Aviation Organization (ICAO) when carrying out certification, exercising control and supervision, as well as classifying inconsistencies with certification requirements to various levels;

66) an air operator – an individual or legal entity, engaged in operation of civil aerial vehicles or rendering own services in this field;

66-1) unmanned aerial system - an unmanned aerial vehicle and related elements (including communication channels and components that control an unmanned aerial vehicle), which are necessary for a safe and efficient operation of an unmanned aerial vehicle in the airspace;

66-2) zone of restriction of flights of unmanned aerial vehicles - part of the airspace of established sizes over the territory of the Republic of Kazakhstan, within which flights of unmanned aerial vehicles are limited by certain conditions;

66-3) unmanned aircraft - an aircraft that is operated or is intended for autonomous operation and (or) for remote control without a pilot on board;

66-4) change in the flight status - a change in the route of the planned direction, flight delay, change in the flight schedule, flight cancellation or other change that affects the departure (arrival) time of the flight or the route;

66-5) expert medical conclusion - a document issued by an aviation medical inspector in controversial cases with the involvement, if necessary, of other aviation specialists;

66-6) certified aerodrome (heliport) - an aerodrome (heliport), whose operator has been issued an aerodrome (heliport) airworthiness certificate;

67) investigation – the process which includes collection and analysis of information, preparation of conclusions on aviation accidents or incident, including determination of its reasons and (or) contributing factors, and drawing up recommendations on safety ensuring, conducted for the purpose of its prevention;

67-1) type certificate - a document issued by an authorized civil aviation organization, an international civil aviation organization certifying aircraft, or by a foreign state to determine the design type of a civil aircraft, engine or propeller and confirming the compliance of the design with air worthiness standards;

68) occasional flight (flight operation) – the flight (flight operation) that is not regular and performed for particular customer for the purpose of airborne transportation or without it;

68-1) permanent supervision – the type of the state supervision for compliance with established requirements by individuals and legal entities, underwent certification procedure for the purpose of provision of safety aviation services to population;

69) regular flight – the flight, performed in accordance with established and published schedule by the air company;

70) forbidden zone – the air space of established sizes over the territory of the Republic of Kazakhstan within which the flight operations of aerial vehicles is prohibited without special permit;

71) a helicopter – the aerial vehicle that is heavier than air which is maintained in flight generally due to reaction of the air with one or several lifting propellers rotating by the engine unit around the axes, being approximately in vertical position;

72) helicopter aerodrome – the aerodrome or particular surface area on construction, intended fully or partially for arrival, departure and movement of helicopters over this surface ;

72-1) single operator for helicopter services provision - a legal entity availing of materials and resources, aircraft and qualified specialists, which is a civil aviation subject, determined by the authorized civil protection body;

73) temporary aerodrome – the aerodrome, intended for flight operations of aerial vehicles in particular period of a year that does not have fixed structures and equipment, subject to registration in established manner;

74) aircraft – the aerial vehicle that is heavier than air, put in motion by the engine unit, the ascensional power in which flight is created generally due to aerodynamic reactions on the surfaces, remained motionless in these conditions of flight;

75) air worthiness - technical condition of aerial vehicle, conforming to the aircraft performance characteristics that provide its safety and flying quality;

76) air worthiness standards –requirements to construction, parameters and flying qualities of aerial vehicles and their components, oriented to safety ensuring of flights;

76-1) airworthiness directive – information aimed at maintaining the airworthiness of an aircraft, including engines and propellers, ensuring the safe operation of the aircraft, as well as requirements for modification, replacement of components or in carrying out an inspection of the aircraft and (or) amending its operational restrictions and the operating manual;

76-2) flight restriction zone – the airspace of established dimensions over the territory of the Republic of Kazakhstan, within which aircraft flights are limited by certain conditions;

77) flight plan – particular information on planned flight or part of flight of aerial vehicle, represented by a pilot, crew team or air operator to the air traffic support bodies and (or) air traffic control bodies;

78) flight safety - a state in which the risk of causing harm to life or health of people or causing damage to property is reduced to an acceptable level and maintained at this or a lower

level through a continuous process of identifying sources of danger and controlling risk factors;

78-1) flight safety management system - a systematic approach to flight safety management, including organizational structure, hierarchy of responsibility, responsibilities, guidelines and procedures;

78-2) flight tests - a flight performed to determine the characteristics of an aircraft, engine units, aviation and special equipment, armaments and other aviation equipment, research in aerodynamics and strength of the aircraft, also of their systems and (or) to determine compliance of civil aviation equipment with airworthiness requirements;

79) a member of flying crew – a person related to aviation personnel, having the valid aviation personnel certificate on which the obligations are imposed, linked with management of aerial vehicle within the flight time;

80) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

81) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

81-1) Международная организация гражданской авиации (ИКАО) – специализированное учреждение Организации Объединенных Наций, устанавливающее международные нормы, необходимые для обеспечения безопасности, надежности и эффективности воздушного сообщения, и осуществляющее координацию международного сотрудничества во всех областях, связанных с гражданской авиацией;

81-2) International Civil Aviation Organization (ICAO) standard – a requirement for physical characteristics, configuration, material, technical characteristics, personnel or rules, the uniform application of which is recognized as necessary to ensure the safety or regularity of international air navigation, adopted by the International Civil Aviation Organization ( ICAO);

81-3) Recommended practice of the International Civil Aviation Organization (ICAO) – a requirement for physical characteristics, configuration, material, technical characteristics, personnel or rules, the uniform application of which is recognized as desirable in the interests of safety, regularity or efficiency of international air navigation, adopted by the International Civil Aviation Organization (ICAO);

82) international airport – the airport ensuring the international airborne transportations in which the customs, border monitoring and sanitary and quarantine control is organized;

83) international airborne transportation – the airborne transportation, upon performance of which the points of departure and destination independently from whether or not the suspension in transportation or transshipment located in:

the territory of two and more states;

the territory of one state, if the stop in the territory of another state is provided;

84) temporary management of the airport by an air operator, admitted for carrying out of flights in international traffic – the mandatory conduct of the complex of administrative, legal, financial, organizational and technical and other measures and procedures in relation to air operator of the airport, admitted for carrying out flights in international traffic;

85) international flight – the flight of aerial vehicle whereby the aerial vehicle crosses the border of the foreign state;

85-1) search and rescue works – the complex of measures, conducted for the purpose of search and rescue of passengers and crew teams of aerial vehicles, suffered disaster, as well as search and provision of assistance to people upon emergency situations of natural and technogenic nature;

86) a crew member – a person, relating to aviation personnel, intended for fulfillment of particular obligations on the board of aerial vehicle within the flight time;

87) certificate of a crew member – the standard type document that shall be issued to crew members, maintenance personnel, ensuring technical support of flights, having valid aviation personnel certificates, and the personnel, ensuring safety of civil aerial vehicle in flight.

**Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2015 № 363-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 435-V ( shall be enforced from 01.01.2016); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (enforcement, see Art 2); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (comes into force sixty calendar days after the day of its first official publication).**

## **Article 2. Sovereignty of the Republic of Kazakhstan over the air space**

1. Full and exceptional sovereignty over the air space, located over dry land and water territory of the Republic of Kazakhstan and its territorial seas shall belong to the Republic of Kazakhstan.

2. Air space of the Republic of Kazakhstan is the part of its state territory.

## **Article 3. Legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities**

Footnote. The heading of Article 3 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. Legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and aviation 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 the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 4. Scope of application of this Law**

The force of this Law shall apply to:

- 1) users of air space of the Republic of Kazakhstan;
- 2) state, civil and experimental aviation within the Republic of Kazakhstan;
- 3) state and civil aerial vehicles of the Republic of Kazakhstan during their being beyond the boundaries of the Republic of Kazakhstan, unless otherwise provided by the Laws of the state of aerial vehicle's stay.

#### **Article 5. Right of property to aviation facilities**

Aerial vehicles, aerodromes, helicopter aerodromes, airports, technical means and other property, required for organization, performance, support and operation of flights of aerial vehicles may be in the state and (or) private property.

#### **Article 6. Types of aviation**

1. Aviation of the Republic of Kazakhstan shall be divided into state, civil and experimental aviation.

2. State aviation is aviation that is under the jurisdiction of the authorized state aviation body, internal affairs and national security bodies of the Republic of Kazakhstan, as well as other state bodies by resolution of the Government of the Republic of Kazakhstan and used for the purposes of defense, state security, public order, and provision of airport services..

3. Civil aviation shall be the aviation, not included in composition of experimental and state aviation, used for the purpose of:

- 1) transportation of passengers, luggage, cargo and postal matters (airborne transportations);
- 2) performance of aviation works;

- 3) conduct of educational, sport, social activities, development of technical creativity;
- 4) satisfying personal needs of an air operator of aerial vehicle;
- 5) conduct of search and rescue and accident rescue operations, rendering of assistance in case of natural disasters;
- 6) provision of aeronautical service;
- 7) maintenance operations and repair of aerial vehicles;
- 8) carrying out of the airport activity and (or) aerodrome (helicopter aerodrome) service;
- 9) designing of aerodromes and objects of civil aviation.

Civil aviation, used for the purposes, mentioned in subparagraphs 1), 2) and 5) of this paragraph, for a valuable consideration or on hire shall be considered as commercial aviation.

Civil aviation being in ownership of individuals and (or) legal entities and used for the purposes, mentioned in subparagraphs 1), 2) and 5) of this paragraph, not for a valuable consideration and not on hire, as well as for the purposes, mentioned in subparagraphs 3) and 4) of this paragraph shall be considered as the general aviation.

Civil aviation using aircraft with a maximum certified take-off weight of less than five thousand seven hundred kilograms, including helicopters with a maximum certified take-off weight of less than three thousand one hundred and seventy-five kilograms, is recognized as light aviation.

Civil aviation, using aerial vehicles with maximum certified takeoff weight less than seven hundred fifty kilogram, other flight facilities and auxiliary units shall be considered as ultralight aviation.

4. Experimental aviation shall be considered as the aviation, intended for conduct of design and experimental, experimental, research scientific works and tests in the field of aviation and other equipment.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 16.11.2020 № 375-VI (effective ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Article 7. Application of standards and recommended practices of the International Civil Aviation Organization (ICAO), as well as the aviation regulations of other international organizations in the field of civil aviation**

**Footnote. The title of Article 7 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

1. Application of standards and recommended practices of the International Civil Aviation Organization (ICAO) in the territory of the Republic of Kazakhstan is carried out through adopting the relevant normative legal acts provided for by the legislation of the Republic of

Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities, making the necessary changes and additions to them or indicating the references on the application of specific standards and recommended practices of the International Civil aviation organization (ICAO).

1-1. In the airspace, the sovereignty over which is not defined, where the Republic of Kazakhstan is responsible for providing air traffic services, the standards and recommended practices of the International Civil Aviation Organization (ICAO) shall be applied in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

2. The aviation rules of international organizations in the field of civil aviation may be applied on the territory of the Republic of Kazakhstan, if they do not contradict the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities, and the requirements provided for by these aviation rules cannot be lower than the requirements, set forth in the standards of the International Civil Aviation Organization (ICAO).

Separate requirements contained in the aviation rules of international organizations in the field of civil aviation may be included in the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

The operator of a civil aviation aircraft, the type of which is certified by the aviation authorities of a foreign state, has the right to apply the aviation rules of international organizations in the field of civil aviation in English.

3. Aeronautical standards of international organizations in the scope of civil aviation shall not relate to regulatory documents on standardization, the regulation of which shall be carried out in accordance with the Legislation of the Republic of Kazakhstan for standardization.

*Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (the order of enforcement see Art. 2); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).*

#### **Article 7-1. Sustainable development of the civil aviation industry of the Republic of Kazakhstan**

1. Sustainable development of the civil aviation industry of the Republic of Kazakhstan is based on:

1) the principle of priority of strategic and long-term objectives over operational and short-term objectives;

2) ensuring measures for accounting, research, development and preservation of human capital in the civil aviation industry of the Republic of Kazakhstan;

3) ensuring the continuity of the process of identifying, analyzing and taking measures to minimize systemic risks in the civil aviation industry of the Republic of Kazakhstan.

2. The development and implementation of measures for the sustainable development of the civil aviation industry of the Republic of Kazakhstan are provided by the authorized organization in the field of civil aviation in agreement with the authorized body in the field of civil aviation.

**Footnote.** Chapter 1 is supplemented with article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).

## **Chapter 2. STATE REGULATION, control and supervision IN THE FIELD OF USE OF THE AIR SPACE OF THE REPUBLIC OF KAZAKHSTAN AND AVIATION ACTIVITY**

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

### **Article 8. State regulation in the field of use of the air space of the Republic of Kazakhstan and activity of the aviation**

1. The objectives of the state regulation of use of the air space of the Republic of Kazakhstan and activity of the aviation are:

- 1) provision of safety use of the air space of the Republic of Kazakhstan by its users, flight operations without threat to life and health of people, environment, interests of the state;
- 2) establishment of general principles of carrying out the activity, linked with use of the air space and flight operations;
- 3) satisfying the needs of economics of the Republic of Kazakhstan and citizens in aviation services.

2. State regulation of use of the air space of the Republic of Kazakhstan and aviation activity within own competence shall be carried out by the Government of the Republic of Kazakhstan, authorized bodies in the scopes of civil and state aviation.

### **Article 9. State control and supervision in the field of use of the air space**

1. State control and supervision in the field of use of the air space shall be carried out for the purpose of prevention and (or) termination, and (or) restraint of violation of the procedure for use of air space of the Republic of Kazakhstan.

2. State control and supervision in the field of use of the air space shall be carried out in the manner, established by this Law and other Laws of the Republic of Kazakhstan.

**Footnote.** Article 9 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 10. State control and supervision of the aviation activity**



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

1. State control and supervision of the activity of state aviation shall be carried out in order to comply with requirements, established by the legislation of the Republic of Kazakhstan in the scope of use of the air space and activity of the aviation.

2. State control and supervision over the activities of civil and experimental aviation shall be carried out by the authorized body in the field of civil aviation with the participation of the authorized organization in the field of civil aviation. State control and supervision over the activities of state aviation is carried out by the authorized body in the field of state aviation.

3. Procedure for exercising the state control and supervision over the state aviation activities in the matters of flight safety is determined by the authorized body in the field of state aviation.

4. State control and supervision over the activities of civil and experimental aviation is carried out in the form of:

1) inspections of civil aviation organizations, the procedure for which is determined by the Entrepreneurship Code of the Republic of Kazakhstan, except for the inspections provided for in subparagraph 2) of this paragraph;

2) verifications for compliance of individuals and legal entities with safety requirements of the aerial vehicles' flights and aviation security, procedure for conduct of which shall be determined by this Law;

3) other forms of control and supervision, including the supervision and analysis of activity of individuals and legal entities on safety ensuring of flights and aviation security.

An authorized organization in the field of civil aviation, when conducting inspections and other forms of control and supervision, exercises technical control and supervision ( hereinafter - control and supervision) over compliance with the requirements established by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

5. Monitoring and analysis of the activities of individuals and legal entities to ensure flight safety and aviation security, as well as in order to implement recommendations based on the results of the investigation of aviation accidents and incidents, are carried out on the basis of information, documents and materials provided by individuals and legal entities to the authorized organization in the field of civil aviation in accordance with the requirements of this Law.

6. Based on the results of inspections and other forms of control and supervision, the employees of the authorized organization in the field of civil aviation can draw up final documents (acts, inspection instructions) and take action measures provided for by this Law and other laws of the Republic of Kazakhstan.

At the request of individuals and (or) legal entities, or on its own initiative the authorized civil aviation organization has the right to cancel, withdraw, suspend or change the final documents (acts, inspection orders) of inspections and other forms of control and supervision drawn up by employees of the authorized civil aviation organization.

**Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 10-1. Types of inspections for compliance by individuals and legal entities with flight safety requirements for aircraft and aviation security**

1. Inspections of individuals and legal entities for compliance with flight safety requirements for aircraft (hereinafter – flight safety) and aviation security are divided into the following types:

- 1) selective;
- 2) unplanned.

A random inspection is appointed by an authorized organization in the field of civil aviation in relation to an individual or legal entity carrying out activities in the field of civil and (or) experimental aviation, aircraft and (or) their components, equipment for aircraft flights, on the basis of a continuous supervision program, an approved authorized organization in the field of civil aviation, in accordance with the risk assessment system and taking into account the established time intervals in relation to previous checks for compliance with the requirements of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities and (or) the standards of the International Civil Aviation Organization (ICAO).

An unscheduled inspection is appointed by an authorized organization in the field of civil aviation in relation to an individual or legal entity carrying out activities in the field of civil and (or) experimental aviation, aircraft and (or) their components, equipment for aircraft flights, for compliance with the requirements of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities and (or) the standards of the International Civil Aviation Organization (ICAO).

Depending on the purposes, selective and unplanned inspections are divided into the following types:

1) inspection of an individual carrying out activities in the field of civil and (or) experimental aviation, including organization, preparation and performance of flights by such an individual;

2) inspection of a legal entity carrying out activities in the field of civil and (or) experimental aviation;

3) apron inspections of civil aircraft of foreign operators.

2. Selective and unplanned inspections are carried out during the working hours of the inspected entity, established by the rules of the labor schedule, unless otherwise specified in part two of this paragraph.

An unplanned inspection may be conducted after the working hours (at night, weekend or public holidays) in cases where it is necessary to suppress violations directly at the time of their commission.

**Footnote.** Chapter 2 is supplemented by Article 10-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the laws of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).

#### **Article 10-2. Activity, subject to control and supervision on safety ensuring of flights and aviation security**

The activity, subject to control and supervision on safety ensuring of flights and aviation security in the scope of civil and experimental aviation shall include:

1) operation of aerial vehicles, performance of flights and preparation to them;

2) air traffic maintenance;

3) provision of aeronautical information, development of instrument flight procedures and compilation of aeronautical charts;

4) meteorological support of flights;

5) maintenance operations of aerial vehicles;

6) aerodrome flight operations;

7) radio technical support of flights and aviation telecommunications;

8) electric lighting operation of flights;

9) management of hazards posed by birds and other animals;

10) training and re-training of aviation personnel;

11) medical clearance, medical examination, organization of medical assistance to passengers;

12) emergency and search and rescue support of flights;

13) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication);

- 14) ground handling;
- 15) the activity, provided by paragraph 1 of Article 90 of this Law that may constitute a danger to the flight operating safety;
- 16) aviation security precautions, provided by paragraph 2 of Article 105 of this Law;
- 17) ensuring information security in the field of civil aviation;
- 18) ensuring operation of the system of mandatory and voluntary reporting of data on aviation events.

**Footnote.** Chapter 2 is supplemented by Article 10-2 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 11. Procedure for conducting inspections for compliance by individuals and legal entities with flight safety and aviation security requirements**

1. Inspections for compliance by individuals and legal entities with flight safety and aviation safety requirements are conducted by the authorized body in the field of civil aviation in accordance with the principle of necessity and sufficiency.

2. Inspection is carried out by the state aviation inspector of the authorized body in the field of civil aviation (hereinafter - the state aviation inspector) using instructional material.

3. The inspection is carried out on the basis of an order for the inspection of an authorized organization in the field of civil aviation, which specifies the person carrying out the inspection, the dates for the start and completion of the inspection, as well as the data of the inspected individual or legal entity.

4. At the inspection, the aviation inspectors are required to present an order on conducting the inspection and an aviation inspector's certificate. The beginning of the inspection is considered to be the moment of handing to the person being checked a copy of the order on conducting the inspection.

5. In cases of refusal to accept a copy of the order to conduct an inspection or obstructing the access of the aviation inspector conducting the inspection to the facilities and (or) materials necessary for the inspection, a protocol is drawn up, which is signed by the aviation inspector conducting the inspection and the inspected person or his authorized representative.

The inspected person has the right to refuse signing the protocol, giving a written explanation of the reason for the refusal. Refusal to receive an order to conduct an inspection is not the ground for canceling the inspection.

6. Based on the results of the inspection, the aviation inspector carrying out the inspection draws up an act on the results of the inspection in two copies.

The act on the results of the inspection shall specify:

- 1) the date, time and place of drawing up the act;
- 2) the name of the authorized organization in the field of civil aviation;
- 3) the date and number of the certificate of appointment of the inspection, on the basis of which the inspection was carried out;
- 4) surname, name, patronymic (if it is indicated in the identity document) and the position of the person who conducted the inspection;
- 5) the surname, name, patronymic (if it is indicated in the identity document) of the inspected individual or the name and requisites of the legal entity, and in the case of inspection of the civil aircraft of foreign operators - all individuals or entities inspected and other persons present at the time of the inspection;
- 6) the date, place and period of the inspection;
- 7) information on the results of the inspection, including on the violations detected, and their nature;
- 8) information on familiarization or refusal to familiarize with the act of the inspected individual or legal entity, as well as persons present during the inspection, their signatures or a record of the refusal to sign;
- 9) signature of the official who conducted the inspection.

The audited person has the right to appeal the audit results according to the procedure established by the laws of the Republic of Kazakhstan.

The act of the inspection results (if any) contains the conclusions of the conducted studies (tests), examinations and other documents or their copies related to the results of the inspection.

7. If there are comments and / or objections to the results of the inspection, the person to be inspected shall state them in writing. Comments and (or) objections may be attached to the act on the results of the inspection, as indicated by a corresponding note.

8. One copy of the act on the results of the inspection with copies of the annexes, with the exception of copies of the documents available in the original from the inspected person, shall be handed to the inspected person or his authorized representative for familiarization and taking measures to eliminate the violations identified and other actions.

9. In the event that there are no violations of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and the aviation activities, an appropriate entry shall be made in the act on the results of the inspection during the inspection

**Footnote. Article 11 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the laws of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.06.2020 № 351-VI (effective from**

01.07.2021); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 12. Results of control and supervision to ensure flight safety and aviation security**

**Footnote.** The heading of Article 12 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).

1. In cases of revealing, based on the results of control and supervision, violations of the requirements of the legislation of the Republic of Kazakhstan in the field of use of the airspace of the Republic of Kazakhstan and aviation activities, aviation inspectors issue inspection instructions to individuals or legal entities to eliminate violations.

In a case that poses a threat to flight safety and aviation security, the aviation inspector issues an inspection order with a requirement to terminate the operation of the aircraft or certain actions of the inspected operator or civil aviation organization.

2. Inspectoral breve shall be presented to individual or legal entity or their representatives personally or by other method, confirming the fact of departure and receipt.

Last name, first name, patronymic (in its existence if any) of individual or the name of legal entity, date of issue of inspectoral breve, basis for directing the inspectoral breve, requirement on elimination of detected violations and terms of fulfilling the inspectoral breve, procedure for appeal shall be specified in inspectoral breve.

3. The inspector's precept, sent by postal mail by registered mail with notification or electronically via electronic communication channels ensuring a guaranteed delivery of messages, is considered to be served from the day the operator receives the notification of the receipt of the mail item by the addressee or after five working days from the date of sending the notification in electronic form.

4. Inspectoral breve shall be compulsory for fulfillment by individuals and legal entities, carrying out the activity in the scope of civil and (or) experimental aviation.

5. Non-fulfillment of inspectoral breve shall be the ground for suspension of the action or revocation of certification (certificate) for carrying out of the activity in the scope of civil and (or) experimental aviation and shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Inspection precepts issued by aviation inspectors may be appealed in an authorized civil aviation organization or a court.

**Footnote.** Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from

01.08.2019); dated 29.06.2020 № 351-VI (effective from 01.07.2021); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 12-1. Flight safety program of civil aviation**

1. The authorized civil aviation organization together with state bodies involved in ensuring flight safety, shall develop and implement, in accordance with the standards and recommended practices of the International Civil Aviation Organization (ICAO), a program for the safety of civil aviation flights, corresponding to the scale and complexity of the civil aviation system, which:

- 1) is a single set of rules and measures aimed at improving the flight safety level;
- 2) contributes to effective implementation of the flight safety management system of operators and civil aviation organizations and proper interaction with them;
- 3) provides monitoring and evaluation of performance indicators for ensuring flight safety ;
- 4) supports and improves national performance indicators for ensuring flight safety.

2. The civil aviation safety program shall include:

- 1) state policy, goals and resources in the field of ensuring flight safety;
- 2) management of risk factors for flight safety at the state level;
- 3) support of flight safety at the state level;
- 4) promotion of flight safety issues at the state level.

3. Ensuring flight safety in civil aviation shall be a key priority in the activity and an obligation of all the public relations entities associated with the airspace use.

**Footnote.** Chapter 2 is supplemented by Article 12-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 12-2. Civil aviation security program of the Republic of Kazakhstan**

The authorized body in the field of civil aviation, together with the state bodies participating in provision of aviation security in accordance with the standards and recommended practices of the International Civil Aviation Organization (ICAO), develops the Civil Aviation Security Program of the Republic of Kazakhstan, which:

- 1) provides protection of civil aviation from acts of unlawful interference by introducing certain rules, practices and procedures;
- 2) implements the concept of aviation security;
- 3) defines the policy, objectives and tasks in the field of aviation security;

4) establishes requirements for protection of airports, aircraft and air navigation facilities from the acts of unlawful interference;

5) includes the main directions and mechanism for the program implementation, the required resources and sources of their financing, the expected result from the implementation and indicators.

Footnote. Chapter 2 is supplemented by 12-2 in accordance with the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

### **Article 13. Competence of the Government of the Republic of Kazakhstan in the field of use of air space and activity of aviation**

The government of the Republic of Kazakhstan shall:

1) develop main principles of the state policy in the field of use of air space and aviation activity;

2) carry out international cooperation in the field of use of air space;

3) determine the authorized bodies in the scopes of civil and state aviation;

3-1) approve the program on flight operating safety in the scope of civil aviation;

3-2) approve the program of simplifying formalities during international airborne transportations, representing the set of measures, designed for assistance of establishing the procedures for the purpose of simplifying formalities in the state aviation of the Republic of Kazakhstan;

4) approve the Rules of use of air space of the Republic of Kazakhstan;

5) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

6) approve the Rules of organization and operation of the flights of special importance of the Republic of Kazakhstan;

7) - 15-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239 -V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

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

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

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

28) - 41) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-



V (shall be enforced upon expiry of ten calendar days after the day its first official publication );

42) approve the Rules of issuing the permits for carrying out the activity that may constitute a threat to flight operating safety of aerial vehicles;

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

44) approves the Civil Aviation Security Program of the Republic of Kazakhstan;

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

52) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

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

53-1) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

54) approve the Rules of subsidization of air routes;

54-1) is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

55) approve the Rules of aviation security of the Republic of Kazakhstan;

56) approve the Rules of conducting the quality control for compliance with aviation security;

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

58) approve the special list of the civil servants of the Republic of Kazakhstan, transported on aerial vehicle, in relation to which the inspection shall not be carried out;

59) approve the list of persons, serviced in the special designated rooms of the airports of the Republic of Kazakhstan;

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

60-1) is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

60-2) determines priority international air routes subject to subsidies in the manner determined by this Law;

60-3) approves the rules for subsidizing aviation fuel for priority international air routes;

61) perform the other powers, imposed on it by the Constitution, this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official

publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 435-V (shall be enforced from 01.01.2016); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (shall be enforced from 01.01.2020); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 14. Competence of the authorized body in the scope of civil aviation in the field of use of the air space and aviation activity**

1. The authorized body in the scope of civil aviation within its competence shall:

1) carry out the state regulation, state control and supervision of compliance of individuals and legal entities with the legislation of the Republic of Kazakhstan on use of the air space of the Republic of Kazakhstan and aviation activity and (or) with international standards;

1-1) make decisions on the admission of airports to international aircraft flights support;

1-2) approve the list of dangerous substances and articles, as well as all types of drugs prohibited to passengers for carrying on civil aircraft;

2) carry out implementation of the main principles of the state policy in the field of use of air space and activity of civil and experimental aviation;

2-1) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication);

2-2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019);

2-2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019);

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

4) approve the Rules of performing the flights in civil aviation of the Republic of Kazakhstan;

5) approve the Instruction on organization and air traffic maintenance;

5-1) take measures to stop violating the procedure for using the airspace by civil aircraft in cooperation with the authorized body in the field of state aviation, special state and law enforcement agencies;

5-2) keep records of violations of the rules for the use of airspace by civil and experimental aviation, and also exchange information on all cases of violations of the rules for the use of airspace with the authorized body in the field of state aviation;

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

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

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

9) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

10) carries out international cooperation with aviation authorities of foreign states and specialized international organizations, including by concluding bilateral agreements on cooperation, sharing experience and information related to civil aviation, as well as representation of the Republic of Kazakhstan in international civil aviation organizations;

11) participate in conclusion of international treaties of the Republic of Kazakhstan in the scope of civil aviation;

12) approve the Rules of issuance and grounds for refusal in issuance of permits for performance of international occasional flights;

13) approve the Rules of retirement of aerial vehicles;

13-1) approves the rules for limiting foreign participation (control) in an airline created in the form of a joint-stock company;

14) approve standard instructions for managing the safety of flights of civil aircraft operators, at airports, in air traffic maintenance, in the maintenance of aircraft, civil aviation training centers, whose activities are related to the performance of aircraft flights in the course of providing services;

15) approve the standard type programs of professional training of aviation personnel, participating in safety ensuring of flights;

15-1) approves the testing rules for determining the level of proficiency in English used in radiotelephony communications;

15-2) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

16) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

17) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

18) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

19) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

19-1) carries out accreditation of foreign carriers planning regular passenger flights to the Republic of Kazakhstan (from the Republic of Kazakhstan);

19-2) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

- 20) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 21) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 22) approve the Rules of appropriation of time intervals for maintenance of aerial vehicles in the airports of the Republic of Kazakhstan;
- 23) approve the schedule of regular flights of foreign air carriers, as well as Instruction on approval of the schedule of regular flights of foreign air carriers on international air routes of the Republic of Kazakhstan;
- 24) approve the Instruction of calculating self-cost of the flight hour upon performance of the flights on subsidiary routes;
- 25) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);
- 25-1) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);
- 25-2) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);
- 25-3) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);
- 26) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 27) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 28) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 29) approve the types and forms of passes for the right of passage, transit to the control zone of the airport;
- 30) approves the training and retraining program for aviation security;
- 30-1) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 31) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 32) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 33) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 34) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);
- 35) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI (

shall be enforced from 01.08.2019);

36) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

37) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

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

38-1) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

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

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

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

41-1) determine the procedure for use of the air space over the capital and capital airport in concurrence with the authorized body in the scope of state aviation in accordance with the Rules of use of air space of the Republic of Kazakhstan;

41-2) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

41-3) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

41-4) organizes work to investigate aviation accidents and incidents of civil aviation on the territory of the Republic of Kazakhstan;

41-5) participate in investigation of aviation accidents and incidents of civil aviation in the territory of other states, happened with aerial vehicles, registered in the State register of civil aerial vehicles of the Republic of Kazakhstan or the air operators of aerial vehicles shall be individuals or legal entities of the Republic of Kazakhstan;

41-6) give recommendations for the purpose of prevention of aviation accidents and incidents or reducing their consequences, as well as carry out analysis of performing such recommendations;

41-7) conduct statistical data on aviation accidents and incidents, happened with aerial vehicles, registered in the State register of civil aerial vehicles of the Republic of Kazakhstan or the air operators being the individuals or legal entities of the Republic of Kazakhstan;

41-8) conduct statistical data on aviation accidents and incidents, happened with aerial vehicles of the air operators of foreign states in the territory of the Republic of Kazakhstan;

41-9) participate in the statistical data exchange with international organizations of civil aviation;

- 41-10) cooperate with bodies of foreign states and international civil aviation organizations, responsible for investigation of aviation accidents and incidents;
- 41-11) cooperate with the interested state bodies of the Republic of Kazakhstan on the issues of investigation of aviation accidents and incidents;
- 41-12) ensure the safety of proffs upon investigation of aviation accidents and incidents;
- 41-13) ensure the integrity of confidential information on flight operating safety;
- 41-14) develops, implements, studies and maintains the system of mandatory and voluntary reporting of data on aviation events, including the mechanism for collecting, evaluating, processing, storing and recording aviation events;
- 41-15) participate in information exchange on flight operating safety at the state and international levels and in distribution of information on aviation events;
- 41-16) carry out the collection and analysis of information, linked with the flight operating safety of civil aviation, as well as composition and bringing of such information to notice of individuals and legal entities, carrying out the activity in the scope of civil aviation. The analysis shall not require the disclosure of the information sources;
- 41-17) approves the rules of radio technical support for flights and aviation telecommunications in civil aviation;
- 41-18) approves the rules for provision of aeronautical information in civil aviation;
- 41-19) approves the airworthiness standards for civil aircraft of the Republic of Kazakhstan;
- 41-20) approves the rules for certification and issuance of a type certificate;
- 41-21) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 41-22) approves the rules for certification and issuance of an airworthiness certificate of a civil aircraft of the Republic of Kazakhstan;
- 41-23) approves the rules for certification of light and ultra-light aviation;
- 41-24) approves the rules of technical operation and repair of civil aircraft of the Republic of Kazakhstan;
- 41-25) approves the rules for certification and issuance of a certificate of the organization for technical maintenance and repair of civil aviation equipment;
- 41-26) approves the rules for certification and issuance of a certificate of the aviation training center for civil aviation;
- 41-27) approves the rules for certification and issuance of a certificate of an air navigation services provider, as well as the certification requirements for air navigation service providers ;
- 41-28) approves the rules for the training of aviation personnel;
- 41-29) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

- 41-30) approves the rules for arranging working hours and rest for crew members of civil and experimental aviation of the Republic of Kazakhstan;
- 41-31) approves the rules for certification and issuance of an operator's certificate of civil aircraft;
- 41-32) approves the rules for the operator's admission to aviation work;
- 41-33) approves the rules for admission of general aviation operators for flights;
- 41-34) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication);
- 41-35) approves the model regulations on aero-clubs;
- 41-36) approves the rules for organization of flight work in the civil aviation of the Republic of Kazakhstan;
- 41-37) approves the rules for organization of flight attendants in the civil aviation of the Republic of Kazakhstan;
- 41-38) approves the rules for certification and issuance of the aerodrome validity certificate (heliport);
- 41-39) approves the validity standards for operation of aerodromes (heliports) of civil aviation;
- 41-40) approves the methodology for assessing compliance with the airworthiness standards for operation of aerodromes (heliports) of civil aviation;
- 41-41) approves the rules of airfield support in civil aviation;
- 41-42) approves the rules of electro-light technical support of civil aviation flights of the Republic of Kazakhstan;
- 41-43) approves the rules for organization of special transport at airports of the Republic of Kazakhstan;
- 41-44) approves the rules for providing civil aviation aircraft with aviation fuels and lubricants;
- 41-45) approves the rules for storage, preparation for refueling and quality control of aviation fuels and lubricants and special fluids in civil aviation organizations of the Republic of Kazakhstan;
- 41-46) approves the rules for managing the dangers posed by birds and other animals for flights of civil aircraft in the Republic of Kazakhstan;
- 41-47) approves the rules for organization of passenger services at the airports of the Republic of Kazakhstan;
- 41-48) approves the rules of fire safety in civil aviation of the Republic of Kazakhstan;
- 41-49) approves the rules of emergency rescue services of flights in the airports of the Republic of Kazakhstan;
- 41-50) approves the model provision on the air transportation organization service;
- 41-51) approves the model provision on the aviation security service;

41-52) approves the model provision on production and dispatch service of civil aviation organizations;

41-53) approves the rules for certification and issuance of a certificate of the airport ( aerodrome) aviation security service, as well as certification requirements for the airport ( aerodrome) aviation security service;

41-54) approves the rules for preflight and special inspections of aircraft;

41-55) approves the lists of positions of managers and specialists of aviation security services of civil aviation organizations of the Republic of Kazakhstan, as well as qualification requirements for such positions;

41-56) approves certification requirements for civil aircraft operators;

41-57) approves certification requirements for aviation training centers;

41-58) approves certification requirements for organizations for technical maintenance and repair of aviation equipment;

41-59) approves the requirements for organizations supplying fuel and lubricants for civil aircraft;

41-60) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

41-61) approves the rules for allowing airlines to perform regular domestic commercial air transport operations;

41-62) approves uniform requirements and technological procedures at the international airports of the Republic of Kazakhstan for transportation and processing of baggage, postal items and cargo by air;

41-63) approves the form of an electronic air waybill;

41-64) approves the rules of information interaction in transportation and processing of baggage, postal items and cargo by air;

41-65) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

41-66) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

41-67) Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

41-68) approves the rules for certification and issuance of a certificate of aviation medical center, as well as certification requirements for aviation medical centers;

41-69) excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI ( shall be enforced from 01.08.2019);

41-70) approves the rules for determining the level of qualification of aviation personnel;

41-71) approves the rules for providing medical assistance to passengers in civil aviation;

41-72) approves the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan;



41-73) develops and approves the rules for access to the provision of services on the territory of the airport, unrelated to airport activities;

41-74) approves the procedure for subsidizing municipally owned airports that do not provide a sufficient income level to cover operating costs with a passenger flow of less than two hundred thousand passengers per year, in agreement with the central authorized state planning body and the central authorized budget planning body;

41-75) approves the rules for anti-icing protection of aircraft on the ground;

41-76) approves the rules for collecting payments in the civil aviation;

41-77) approves the list of paid services of the authorized civil aviation organization and the payment rates in civil aviation;

41-78) approves the methodology for calculating infrastructure fees in agreement with the antimonopoly authority;

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

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

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

4. The department of the authorized civil aviation body, within its competence, has the right to apply the measures provided for in subparagraphs 1), 2) and 4) of paragraph 2 of Article 16-6 of this Law.

Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 27.10.2015 № 363-V ( порядок введения в действие см. ст. 2); dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication) ; dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated December 26, 2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 25.06.2020 № 347-VI (effective ten calendar days after the date of its first official publication); dated 29.06.2020 № 352-VI (effective ten calendar days after the date of its first official publication); dated 29.12. 2022 № 174-VII ( enforcement, see Art 2); dated

19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

**Article 15. Competence of the authorized body in the scope of state aviation in the field of use of the air space of the aviation activity**

The authorized body in the scope of state aviation within its competence shall:

- 1) carry out the state regulation and state control and supervision of the use of air space and state aviation activity;
- 2) form and implement state policy in the use of airspace and the state aviation activities;
- 3) take measures on reflection of air attack or prevention and (or) termination of the violation of the State Boundary of the Republic of Kazakhstan in the air space, as well as on liquidation of using the force or threat to use the force against sovereignty, territorial integrity and security of the Republic of Kazakhstan;
- 4) suppress the violation of the order of using the air space of the Republic of Kazakhstan;
- 5) in consultation with the State Security Service of the Republic of Kazakhstan, the national security bodies, develops and approves the list of restricted areas and restricted flight zones;
- 6) establish the regimes and short-term restrictions to use the air space in accordance with the Rules of using the air space of the Republic of Kazakhstan;
- 7) after coordination with the State Security Service of the Republic of Kazakhstan and with the national security bodies, issues special permits to fly over the restricted areas and restricted flight zones;
- 8) issue the permits for performance of international flights by aerial vehicles of foreign states beyond the special appropriated corridors of crossing the State Boundary of the Republic of Kazakhstan in the air space;
- 9) coordinate the permits for performance of international flights by aerial vehicles of the state aviation of foreign states;
- 10) keep the records of violations of the order of using the air space of the Republic of Kazakhstan;
- 11) approves the Rules for state aviation flights of the Republic of Kazakhstan;
- 11-1) develop and approve the Instructions for organizing flight work in the state aviation of the Republic of Kazakhstan;
- 12) approves the Instruction for prevention of accidents in state aviation;
- 13) approve the Rules of aviation-engineering support of the state aviation of the Republic of Kazakhstan;
- 14) approve the Rules of navigational support of the state aviation of the Republic of Kazakhstan;
- 15) approve the Instruction on state, registration and additional identification marking on aerial vehicles of the state aviation of the Republic of Kazakhstan;

16) approve the airworthiness standards to the operation of aerodromes (helicopter aerodromes), aerodrome sections of the road and operational requirements submitted to the aerodromes of the state aviation of the Republic of Kazakhstan;

17) approve the Rules of operating the aerodromes (helicopter aerodromes) of the state aviation of the Republic of Kazakhstan;

18) approves the Rules for the state registration of aerodromes (heliports) of state aviation ;

19) issue decision on air worthiness to the use of aerodromes (helicopter airdromes) of the state aviation;

20) keep records of the violation of requirements of the flight operating safety of the state aviation, carry out the classifying of aviation accidents and incidents, the control of the state bodies' activity on conducting the investigations of aviation accidents and incidents in the scope of state aviation;

21) organizes and conducts flight safety management activities;

22) excluded by the Law of the Republic of Kazakhstan dated April 19, 2019 № 249-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

23) excluded by the Law of the Republic of Kazakhstan dated April 19, 2019 № 249-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

23-1) develop and approve the Instructions for organizing objective control of state aviation flights of the Republic of Kazakhstan;

23-2) develop and approve the Instructions on the assignment (confirmation and reduction ) of class qualifications of aviation personnel of the state aviation of the Republic of Kazakhstan;

24) approve the Instruction on aviation search and rescue service of the state aviation of the Republic of Kazakhstan;

25) approve the Rules of medical maintenance of the state aviation of the Republic of Kazakhstan;

26) approve the Rules of meteorological support of flights of the state aviation of the Republic of Kazakhstan;

27) approve the Rules of ornithological flight operations of the state aviation of the Republic of Kazakhstan;

28) approve the Rules of registering the aerial vehicles of the state aviation of the Republic of Kazakhstan;

28-1) develops and approves the Instruction for operation of automotive and electrical gas equipment at aerodromes (heliports) of state aviation;

28-2) develops and approves the Instruction on organization of traffic, ground support for flights and pedestrians at aerodromes (heliports) of state aviation;

28-3) develops and approves the service hours (service life) of aerodrome and technical support for state aviation flights;

28-4) develops and approves the Instruction on joint use of aerodromes (heliports), landing areas for providing and managing flights of state aviation;

28-5) develops and approves the Instruction on organization of quality aviation fuels and lubricants and special liquids in state aviation;

28-6) develops and approves the Rules for organization of air transport in state aviation

29) approve the Instruction on air traffic control;

29-1) issue permits provided by the Law of the Republic of Kazakhstan "On Permits and Notifications", subject to the exceptions provided by Subparagraph 7) of Paragraph 2 of Article 3 of the Law of the Republic of Kazakhstan "On Permits and Notifications";

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

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication) ; dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated April 19, 2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 16.10.2023 № 33-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 15-1. Competence of the authorized civil (state) aviation body in natural monopolies**

Footnote. The heading of Article 15-1 as amended by the Law of the Republic of Kazakhstan dated 30.12. 2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).

The authorized civil (state) aviation body, within its competence:

1) exercise control and regulation of the activities of natural monopolies in accordance with the Law of the Republic of Kazakhstan "On Natural Monopolies";

2) develop proposals on the formation of the state policy for regulation of natural monopolies and submit them for consideration to the authorized agency that managing for natural monopolies;

3) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication);



shall be enforced sixty calendar days after the date of its first official publication);

24) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

25) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

26) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

27) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

28) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

29) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

30) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

31) excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication);

32) exercise other powers provided by the Law of the Republic of Kazakhstan "On Natural Monopolies", other Laws of the Republic of Kazakhstan, Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication);as amended by the Law of the Republic of Kazakhstan dated 30.12. 2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 15-2. Competence of the authorized agency for civil aviation in relation to socially significant markets**

The authorized agency for civil aviation within its competence shall:

1) develop proposals for the formation of state policy in relation to socially significant markets and submit them for consideration to the authorized agency managing for natural monopolies;

2) carry out state regulation of prices and state control over compliance with the pricing procedure and obligations of entities of socially significant markets;

3) monitor prices of entities of socially significant markets;

4) agree the limit prices for goods (work, services) sold by entities of socially significant markets;

5) hold a public hearing when considering notifications of entities of socially significant markets about the upcoming increase in prices for goods (work, services);

6) make compulsory orders on fulfillment of obligations provided by the Entrepreneurial Code of the Republic of Kazakhstan to the entities of socially significant markets;

7) in case of non-compliance with order by entity of socially significant market shall file a lawsuit in court to compel entity of socially significant market for providing airport services on domestic flights to perform the actions specified in the order;

8) initiate and consider cases of administrative violations, as well as impose administrative penalties in the manner determined by the Code of the Republic of Kazakhstan on administrative violations;

9) exercise other powers provided by the Laws of the Republic of Kazakhstan, Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote. Chapter 2 is supplemented by Article 15-2 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 16. Certification in the field of civil aviation**

1. Certification in the civil aviation confirms the compliance of operators and civil aviation organizations, aircraft, unmanned aerial systems, airfields and aviation services, provided for by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

2. Objectives of certification are the protection of human life and health, environment, the interests of the state, ensuring flight safety and aviation security, meeting the needs of the economy, individuals and legal entities in high-quality aviation services.

3. Certification is carried out by an authorized organization in the field of civil aviation in the cases established by this Law.

For certification in the civil aviation, fees are charged in the civil aviation in the manner and amounts established by the rules for collecting fees in the civil aviation, the list of paid services of the authorized civil aviation organization and the rates of payments in the civil aviation. Certification in the civil aviation shall be carried out after payment of the specified fees to the budget of the authorized civil aviation organization.

4. The authorized organization in the field of civil aviation carries out a certification survey for compliance with certification requirements for operators and civil aviation organizations, using guidance material.

5. In the case of a certification survey, the applicant must demonstrate the ability and resources, as well as the financial and economic position and legal capacity required to perform the declared activity.

The results of the certification survey are presented to the applicants for review.

The authorized organization in the field of civil aviation issues a certificate to the applicant (a certificate for the right to perform aviation work) if the applicant meets the certification requirements and eliminates inconsistencies identified during the certification survey that directly affect flight safety and aviation security.

6. Non-compliance with certification requirements identified during the certification survey is divided into three levels: level 1, level 2 and level 3.

Non-compliance with certification requirements that interferes with the activities refers to Level 1.

Level 2 includes non-compliance with certification requirements that does not interfere with the activities, provided that it is eliminated within the time agreed upon with the authorized civil aviation organization, or imposing of restrictions.

Level 3 includes non-compliance with certification requirements that does not interfere with the activities and is subject to its elimination when improving production.

7. Non-compliance with level 1 certification requirements is characterized by inability of the applicant to ensure the protection of human life and health, the environment, flight safety and aviation security, based on the technical and financial capabilities of the applicant.

In case of non-compliance with the certification requirements of level 1, the authorized civil aviation organization refuses to issue a certificate (certificate for the right to perform aviation work) or limits the validity of the certificate (certificate for the right to perform aviation work) in cases and in the manner established by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic Kazakhstan and aviation activities, until the identified inconsistencies are eliminated by the applicant.

8. In case of non-compliance with the certification requirements of level 2, the authorized civil aviation organization:

1) agrees on a period for eliminating the identified non-compliance, not exceeding three months from the date of its detection. The applicant shall develop a corrective action plan to eliminate the identified non-compliance and submit it to the authorized civil aviation organization within ten working days from the date of familiarization with the certification survey results;

2) on the basis of assessment of the measures proposed by the applicant to eliminate the identified non-compliance, agrees on a corrective action plan or returns it for revision with substantiation.

The period specified in the corrective action plan is extended by the authorized organization in the field of civil aviation, subject to the applicant providing justification for the need to change it.

9. The authorized civil aviation organization shall control the submission by the applicant of the corrective action plan and (or) the implementation of corrective actions within the time frame established by the plan by conducting an audit or other forms of control and supervision.



If the applicant does not submit an acceptable corrective action plan or does not take corrective actions within the time frame agreed by the authorized civil aviation organization, a non-compliance with the level 2 certification requirements becomes a non-compliance with the level 1 certification requirements and the authorized civil aviation organization shall refuse to issue a certificate (certificate for the right to performance of aerial work) or revoke the previously issued certificate (certificate for the right to perform aerial work).

If Level 3 certification requirements are not met, no corrective action plan is required.

10. Refusal to issue a certificate (license for the right to perform aviation work) is carried out in the cases when:

- 1) the inconsistencies provided for in paragraph 7 of this article are revealed;
- 2) there is a court decision against the applicant prohibiting him from providing this type of service.

**Footnote.** Article 16 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the laws of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (enforcement, see Art 2).

#### **Article 16-1. Permanent supervision over provision of flight safety and aviation security**

**Footnote.** The title of Article 16-1 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

1. The authorized organization in the field of civil aviation carries out constant supervision over the provision of flight safety and aviation security by individuals and legal entities.

Operators and civil aviation organizations certified by an authorized organization in the field of civil aviation are subject to continuous supervision over flight safety and aviation security.

2. The authorized body in the field of civil aviation, while exercising continuous supervision, checks:

1) maintenance of the conformity with certification requirements and requirements of the legislation of the Republic of Kazakhstan on using the air space of the Republic of Kazakhstan and aviation activity;

2) performance of the corrective actions plan in accordance with Article 16-3 of this Law.

3. When checking under paragraph 2 of this article, aviation inspectors must:

1) implement it with the use of instructional material;

2) provide the inspected individuals and legal entities with the relevant results of supervision over their provision of flight safety and aviation security;

3) base on the results of previous control, including unscheduled inspections, and flight safety and aviation security priorities in the framework of the established safety management system for flight safety and aviation security of operators and civil aviation organizations;

4) provide the authorized organization in the field of civil aviation with information on the absence or presence of violations for taking measures in accordance with Article 16-3 of this Law.

4. Continuous supervision is carried out through inspections of operators and civil aviation organizations.

5. Individuals and legal entities carrying out activities in the field of civil aviation within or outside the Republic of Kazakhstan on the basis of certificates (certificates for the right to perform aviation work), issued by an authorized organization in the field of civil aviation, provide information, documents confirming continuous compliance with certification requirements when carrying out their activities, and are obliged to provide aviation inspectors with access to information, documents, products, parts and equipment that are subject to certification in places and zones under their jurisdiction.

6. The authorized organization in the field of civil aviation collects and processes data for performing functions of constant supervision, including data for assessing the financial and economic situation of operators and civil aviation organizations, for making decisions on unscheduled inspections.

**Footnote.** Chapter 2 is supplemented by Article 16-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).

#### **Article 16-2. Program on ensuring the permanent supervision**

1. The authorized organization in the field of civil aviation annually adopts a program to ensure continuous supervision, which means a set of measures carried out by the authorized organization in the field of civil aviation, to maintain the compliance of certified operators and civil aviation organizations with certification requirements and the requirements of the legislation of the Republic of Kazakhstan on the use of airspace Of the Republic of Kazakhstan and aviation activities.

2. The program on ensuring the permanent supervision shall be developed in recognition of the risk assessment criteria of air operators, including the evaluation of financial and economic regulation of air operators and civil aviation organizations, and seize the types of activity, provided by the certification (certificate for the performance of aviation works).

Operators and civil aviation organizations provide the authorized organization in the field of civil aviation on a quarterly basis with information on the financial and economic situation in the form approved by the authorized body in the field of civil aviation.

3. The program for ensuring permanent supervision includes the frequency of inspections taking into account all aspects of the activities of operators and civil aviation organizations during the validity period of the certificate (license for the right to perform aviation works), interaction with officials of operators and civil aviation organizations on supervision matters and recording the results of inspections.

**Footnote. Chapter 2 is supplemented by Article 16-2 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).**

### **Article 16-3. Level of violation of established requirements, detected upon carrying out the permanent supervision, and measures of elimination of violations**

1. Detected violations following the results of permanent supervision shall be divided into violations of the first and second levels depending on the level of violation of the requirements of the legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and aviation activity.

2. Violations of the first level include significant violations of the requirements established by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities that pose a direct threat to flight safety and aviation security.

Violation of the first level includes:

1) denial of access of the aviation inspector to documentation, facilities of the operator and (or) civil aviation organizations (including aircraft, buildings, structures, airports ( aerodromes), air navigation services facilities, organizations for the maintenance and repair of aviation equipment, airworthiness organizations, workshops, aprons, cargo handling areas, aviation training centers, hangars, fuel storage facilities, service premises);

2) obtaining a certificate (certificate for the performance of aviation work), maintaining compliance with certification requirements by the operator or civil aviation organization by falsifying the submitted documents;

3) commission of illegal actions or illegal use of a certificate (certificate for the performance of aviation work) by an operator or civil aviation organization;

4) introduction of changes and (or) additions to the documentation subject to approval by the authorized civil aviation organization in accordance with the legislation of the Republic of

Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities, without appropriate approval by such an organization;

5) failure to present a corrective action plan by the operator or civil aviation organization to the authorized civil aviation organization for its assessment or failure to perform corrective actions within the time frames agreed or extended by the authorized civil aviation organization, in case of violation of the second level;

6) failure to submit within the established time by the aircraft operator to the authorized civil aviation body or the authorized civil aviation organization of the data on an aviation accident;

7) other cases for which the validity of the certificate (certificate for the performance of aviation work) is suspended or the certificate (certificate for the performance of aviation work) is withdrawn in accordance with this Law.

3. The violations of the second level shall include all the violations of requirements, established by the legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and aviation activity that are not included in the violations of the first level.

4. If a violation of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities is detected during supervision, the authorized organization in the field of civil aviation or an aviation inspector sends an order to the operator or civil aviation organization demanding that corrective actions be taken to eliminate the identified violation.

If necessary, the authorized organization in the field of civil aviation informs the competent authority of the foreign state in which the aircraft is registered.

5. In case of violation of the first level, the authorized organization in the field of civil aviation takes measures to revoke the certificate (certificate for the performance of aviation work) or to fully or partially restrict or suspend it in the cases and in the manner prescribed by this Law, until the identified violations are eliminated by the operator or the organization civil aviation.

In case of committed violations of the first level, referred to in subparagraphs 2) and 3) of part two of paragraph 2 of this article, the authorized civil aviation organization shall revoke the certificate (certificate for the performance of aviation work).

6. In case of violations of the second level, the authorized organization in the field of civil aviation:

1) agree on the term for elimination of identified violations, not exceeding three months from the date of detection of the violation. The operator or civil aviation organization shall develop a corrective action plan to eliminate the identified violations and submit it to the authorized civil aviation organization within ten working days from the date of familiarization with the results of inspections or receipt of an inspection order;

2) on the basis of assessment of the measures proposed by the operator or the civil aviation organization to eliminate the identified violations, agree on a corrective action plan or return it for revision with substantiation.

The time frames specified in the corrective action plan are extended by the authorized body in the field of civil aviation, subject to the operator or civil aviation organization providing a justification for the need to change them.

7. The authorized civil aviation organization shall control the submission by the operator or civil aviation organization of a corrective action plan and (or) the implementation of corrective actions within the term established by the plan by conducting an audit or other forms of control and supervision.

If the operator or civil aviation organization does not submit an acceptable corrective action plan or does not perform corrective actions within the time frame agreed by the authorized civil aviation organization, a violation of the second level becomes the first level violation and the measures referred to in paragraph 5 of this article shall be taken.

8. The authorized civil aviation organization shall keep records of all the identified violations, measures taken and agreed deadlines for their elimination, including corrective actions on the part of operators and civil aviation organizations.

**Footnote.** Chapter 2 is supplemented by Article 16-3 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 16-4. Control over provision of flight safety and aviation security**

*Footnote.* The title of Article 16-4 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

1. The authorized organization in the field of civil aviation exercises control over the provision of flight safety and aviation security by individuals and (or) legal entities whose activities are not subject to certification by an authorized organization in the field of civil aviation, but refers to the activities provided for in Article 10-2 of this Law.

2. Control is carried out through selective and unscheduled inspections of individuals and (or) legal entities, monitoring and analysis of their activities for compliance with flight safety requirements and testing of the aviation security system.

The conduct of selective inspections is carried out with the use of instructional materials and within the terms established by the schedule of inspections.

The grounds for unscheduled verification of individuals and (or) legal entities upon carrying out of the control shall be:

1) control of performing the inspectoral breves on elimination of detected violations of requirements of the legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and aviation activity in the result of verification and other forms of control;

2) receiving information and applications from individuals and legal entities, state bodies, deputies of the Parliament of the Republic of Kazakhstan and local representative bodies on infliction or on threat of inflicting the harm to life, health of a human, environment and legal interests of individuals and legal entities of the state;

3) initiative application of the verified individual or legal entity on conducting the verification of his (her) activity;

4) change of the surname, name, patronymic (if it is indicated in the identity document) of the inspected individual or the name, as well as the reorganization of the legal entity being inspected, if a selective inspection has been scheduled for them;

5) repeated verification, linked with the application of verified individual or legal entity on non-agreement with the initial verification.

3. In cases of detecting violations of the requirements of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and the activities of aviation, aviation inspectors shall issue inspection orders to eliminate violations.

**Footnote. Chapter 2 is supplemented by Article 16-4 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 16-5. Platform verifications of the civil aerial vehicles of foreign air operators**

1. Ramp checks of civil aircraft of foreign operators are carried out by aviation inspectors using guidance material.

Aerial vehicles and crew team, carried out landing in the airport of the Republic of Kazakhstan, opened for international flights shall be subject to verification.

The authorized organization in the field of civil aviation takes part in the collection and exchange of information with foreign states on the performed apron checks of civil aircraft of foreign operators on the basis of agreements concluded.

2. The authorized body in the field of civil aviation adopts an annual schedule of apron inspections of civil aircraft of foreign operators, justified by the calculation method, taking into account the number of operators, the type of aircraft and the number of landings at the respective aerodromes, as well as the degree of risks in the field of flight safety.

3. An authorized civil aviation authority carries out unscheduled apron inspections of a civil aircraft of a foreign operator if there is reason to believe that the standards of the International Civil Aviation Organization (ICAO) or the conditions and operational restrictions of the operator's certificate are not met on board such aircraft.

Such grounds shall be:

1) control of elimination of previously detected violations in the result of previous verifications and other forms of control;

2) receipt of information and applications from individuals and (or) legal entities, state bodies on infliction or threat to inflict the harm to life, health of a human, environment and legal interests of individuals and (or) legal entities, the state;

3) initiative application of the verified foreign air operator on conducting the verification of his (her) aerial vehicle and crew team;

4) reorganization and change of the name of the inspected foreign operator, if a selective inspection has been scheduled for it;

5) repeated verification, linked with application of the verified foreign air operator on non-agreement with the initial verification.

4. When conducting apron checks on civil aircraft of foreign operators, aviation inspectors shall be guided by the principle of preventing unreasonable delays in the departure of inspected aircraft.

5. The violations, detected in the course of conducting inspections of civil aerial vehicles of foreign air operators shall be classified as follows:

1) violation of the third category – the violation of established conditions and operating restrictions of air operator certification, having significant influence on the flight operating safety;

2) violation of the second category – the violation of established conditions and operating restrictions of the air operator certification, having significant influence on the flight operating safety;

3) violation of the first category – the violation of established conditions and operating restrictions of the air operator certification, having significant influence on the flight operating safety.

The conditions for assigning violations to the categories indicated in part one of this paragraph, shall be determined by the instructional material.

6. If a violation of the third category is revealed, the authorized organization in the field of civil aviation has the right:

1) to inform the operator in writing about the revealed inconsistency and to demand proof of adoption of corrective actions;

2) to inform the competent authorities of the state of the operator and, if necessary, the state of registration of the aircraft and the issuance of flight crew certificates, and to request

confirmation from the competent authorities on coordination of corrective actions taken by the operator;

3) to establish a restriction on operation of an aircraft or to require adoption of urgent corrective actions to eliminate the identified inconsistencies, or to introduce an immediate ban on the operation of an aircraft in the territory of the Republic of Kazakhstan, or detain an aircraft on the ground in accordance with the conditions of paragraph 7 of this Article.

7. If there is a reason to believe that the crew is taking action to perform the flight on the inspected aircraft without taking appropriate corrective actions to eliminate the identified violations of the International Civil Aviation Organization (ICAO) standards or the conditions and operational limitations of the operator's certificate, the aviation inspector notifies the commander of the aircraft and (or) the operator that the aircraft is not authorized for such a flight until additional instructions are received, and delays the aircraft on the ground.

8. In the event of an aircraft delay on the ground, the authorized body in the field of civil aviation shall immediately inform the competent authorities of the State of the Operator and the State of Registry of the aircraft, if the State of Registry is different from the State of the Operator, and together with these bodies, provide the necessary conditions under which the aircraft can receive flight permission.

9. In the event of violations of the standards of the International Civil Aviation Organization (ICAO) or the conditions and operational restrictions of the operator's certificate related to the airworthiness of the aircraft, the prohibition on the departure of the aircraft remains until the operator submits supporting documentation to the authorized organization in the field of civil aviation that:

- 1) the violation concerning the air worthiness of aerial vehicle is eliminated;
- 2) the air operator has a permit for special flight of this aerial vehicle or the analogous document, issued by the competent body of the state of registration of aerial vehicle or the state of air operator, as well as a permit of transit states for the crossing their air space if appropriate.

10. If a violation of the second category is revealed, the authorized organization in the field of civil aviation:

- 1) inform the air operator on decision in written form, requiring by this the representation of supporting documentation on taken corrective actions;
- 2) inform the competent bodies of the state of air operator and state of registration of the aerial vehicle and issuance of flying crew certificates. If appropriate, it shall request the confirmation on agreement of such competent bodies with taken corrective actions by the air operator.

11. If a violation of the first category is detected, the aviation inspector notifies the commander of the civil aircraft of the foreign operator to take measures to eliminate them.

**Footnote. Chapter 2 is supplemented by Article 16-5 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten**



calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).

## **Article 16-6. Aviation inspector**

**Footnote.** The title of Article 16-6 as amended by the Law of the Republic of Kazakhstan dated April 19, 2019 № 249-VI (shall be enforced from August 01, 2019).

1. An aviation inspector is an employee of an authorized organization in the field of civil aviation, authorized to carry out certification, control and supervision in the field of civil and experimental aviation.

Aviation inspectors are appointed from among the employees of the authorized organization in the field of civil aviation who have special and (or) professional training in the performance and support of aircraft flights, aircraft maintenance, air traffic services, as well as those performing the functions of financial, economic and legal support.

The number of aviation inspectors, depending on the volume of aviation activities carried out in the Republic of Kazakhstan by civil aircraft of commercial aviation and general aviation, is determined by the authorized organization in the field of civil aviation.

The appointment of aviation inspectors performing control and oversight functions in the field of aviation security is carried out after receiving positive results of a special audit conducted by the national security authorities.

The qualification requirements for aviation inspectors performing control and oversight functions in the field of aviation security are established in accordance with the requirements of the Civil Aviation Security Program of the Republic of Kazakhstan.

**1-1. Excluded by the Law of the Republic of Kazakhstan dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).**

1-2. When carrying out certification, control and supervision, it is not allowed to interfere with the activities of an aviation inspector of individuals and (or) legal entities, government bodies, except for cases established by the laws of the Republic of Kazakhstan.

2. Aviation inspectors, while performing their duties, have the right:

1) unimpeded access to all the controlled zones of airports of the Republic of Kazakhstan, to the aerial vehicles and objects of civil aviation organizations, including parking shelters, fuel storage depots, working premises of the air operators and aviation training centres for carrying out official duties;

2) request from operators and civil aviation organizations information, documents, including information on the aviation personnel qualifications, also require explanations and materials necessary for the performance of their functions, with the timing of their provision, conduct a survey of aviation personnel in order to identify potential shortcomings in ensuring flight safety and aviation security;

3) issue inspectoral breves on the issues of safety ensuring of the flights and aviation security to civil servants of the air operators and civil aviation organizations with the establishment of terms for their performance;

4) be on the board of civil aerial vehicle in the flight in concurrence with the air operator with the right of being in flight deck or cabin of aerial vehicle.

3. Aviation inspectors, when exercising control and supervision over compliance with the legislation of the Republic of Kazakhstan in the field of use of the airspace of the Republic of Kazakhstan and aviation activities, must:

1) comply with the legislation of the Republic of Kazakhstan;

2) to carry out inspections in accordance with the procedure established by the Entrepreneurship Code of the Republic of Kazakhstan and this Law;

3) not interfere with the established operation mode of civil aviation organizations during the time of inspection or other forms of control and supervision;

4) carry out the powers on prevention, detection and restraint of violations of requirements, established by the legislation of the Republic of Kazakhstan in the field of use of the air space of the Republic of Kazakhstan and aviation activity in accordance with the Laws of the Republic of Kazakhstan without undue delay and in full measure;

5) to check the availability of a certificate of aviation personnel, aircraft, flight documentation, certificates, permits and documents issued under this Law, as well as the compliance of civil aircraft, including foreign ones, with the airworthiness requirements of civil aircraft of the Republic of Kazakhstan and the standards of the International Civil Aviation Organization (ICAO).

4. When an operator or a civil aviation organization, facilities, means subject to inspection are located on the territory of an aerodrome (heliport), the operator of an aerodrome (heliport) is obliged to ensure unhindered access to them by an aviation inspector on the basis of the certificate of aviation inspector presented to them.

5. Aviation inspectors shall be provided with monetary allowances corresponding to levels comparable to the working conditions and remuneration of the personnel of the inspected civil aviation organizations.

6. To maintain the required professional training level, the aviation inspectors must periodically at the expense of the authorized civil aviation organization:

1) undergo training on the courses on maintenance of professional level;

2) conduct training with the operation of aviation equipment and (or) on slight simulators;

3) maintain professional training (qualifications) in civil aviation organizations and operators in the amount and at the level established by the rules for vocational training and maintaining the qualifications of aviation inspectors approved by the authorized body in the field of civil aviation.

7. Life and health insurance of aviation inspectors when carrying out aviation inspections in flight and maintaining qualifications with the operation of aviation equipment is carried out

in accordance with the legislation of the Republic of Kazakhstan on insurance and insurance activities.

8. For failure to perform or improper performance of their official duties, aviation inspectors shall be held liable in accordance with the laws of the Republic of Kazakhstan.

9. Aviation inspectors shall be prohibited to:

1) use their official powers in resolving issues related to the satisfaction of their material interests, the material interests of the spouse, close relatives, in-laws and (or) other persons;

2) provide unlawful preferences to individuals and (or) legal entities in the preparation and adoption of decisions;

3) use for personal or group interests the information obtained in the performance of functions assigned in accordance with this Law, if such information is not subject to official dissemination;

4) require from individuals or legal entities the information, supplying which is not provided for by the legislation of the Republic of Kazakhstan.

Violation of the requirements of part one of this paragraph by an aviation inspector, if it does not contain signs of a criminal offense or an administrative infraction, shall entail, as established by the laws of the Republic of Kazakhstan, a disciplinary sanction in the form of a warning of incomplete official compliance or termination of the employment contract at the initiative of the employer.

**Footnote.** Chapter 2 is supplemented by Article 16-6 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 16-7. State regulation of tariffs (prices, charge rates) in the field of civil aviation**

**Footnote.** Chapter 2 is supplemented by Article 16-7 in accordance with the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced from 01.01.2017); Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 16-8. Agreements on transfer of certain functions and duties**

1. The authorized organization in the field of civil aviation, within its competence, has the right to transfer functions and responsibilities for exercising control and supervision over

ensuring compliance with flight rules, use of radio transmitting equipment and maintaining airworthiness, as well as compliance with requirements and standards by aviation personnel, as an authorized organization of the state, to the competent authorities of a foreign state in which this aircraft will be operated without a crew, as well as to accept the functions and duties transferred to it by the state of registration of the aircraft during its operation without a crew by the operator of the Republic of Kazakhstan, on the basis of an agreement concluded in accordance with the Convention on International Civil Aviation ...

Operators affected by this paragraph must have on board of the aircraft the certified full copy of the agreement on transfer of functions and duties concluded between the competent authorities of the states for the entire duration of its operation.

2. The authorized body in the field of civil aviation recognizes as valid certificates (certificates) of airworthiness, permission to use radio equipment and certificates of crew members issued or confirmed by the State of the Operator in accordance with the Convention on International Civil Aviation.

3. Agreements concluded by the authorized organization in the field of civil aviation with the competent authorities of foreign states are subject to registration with the International Civil Aviation Organization (ICAO) in accordance with the Convention on International Civil Aviation.

*Footnote. Chapter 2 is supplemented by 16-8 in accordance with the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).*

## **Chapter 2-1. AUTHORIZED ORGANIZATION IN THE FIELD OF CIVIL AVIATION**

*Footnote. The Law was supplemented with Chapter 2-1 in accordance with the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).*

### **Article 16-9. Basic provisions of the authorized organization in the field of civil aviation**

1. A legal entity performing the functions of an authorized organization in the field of civil aviation is determined by the Government of the Republic of Kazakhstan.

2. The authorized organization in the field of civil aviation, within its competence:

1) assists the authorized body in the field of civil aviation in the implementation of the main directions of state policy in the field of the use of airspace and the activities of civil and experimental aviation;

2) determines the procedure for providing monetary allowances for aviation inspectors;

3) assists the authorized body in the field of civil aviation in the development of draft regulatory legal acts in the field of civil aviation;

4) develops and approves guidance materials, also airworthiness directives and other directives in accordance with the standards and recommended practices of the International Civil Aviation Organization (ICAO);

- 5) cooperates with the authorized body in the field of state aviation to establish and maintain a system of civil-military coordination in organizing the use of airspace;
- 6) maintains the State Register of civil aircraft of the Republic of Kazakhstan, also the register of unmanned aerial systems of civil aviation of the Republic of Kazakhstan;
- 7) coordinates the programs for professional training of aviation personnel developed by aviation training centers and civil aviation organizations;
- 8) issues a certificate of aviation personnel to a person related to aviation personnel provided for in Annex 1 to the Convention on International Civil Aviation and related to aviation personnel of light and ultralight aviation in accordance with the legislation of the Republic of Kazakhstan, for the right to carry out professional activities, confirming that he has the necessary knowledge and skills, as well as the compliance of his health with the established requirements, extends the validity of the certificate, withdraws, suspends the validity of such a certificate, makes qualification and special marks in the certificate;
- 9) carries out certification and issuance of a certificate of civil aircraft operator, a certificate of unmanned aerial systems operator, a certificate for the right to perform aviation work, a certificate of an aviation training center, a certificate of conformity of the simulator, a certificate of an organization for the maintenance and repair of civil aviation equipment, a type certificate, a certificate of airworthiness of an aerodrome (heliport), certificate of airworthiness of a civil aircraft, certificate of airworthiness of unmanned aerial systems, certificate of the airport aviation security service, export certificate of aircraft airworthiness, certificate of an air navigation service provider, certificate of an aviation medical center, certificate of compliance of a civil aircraft with airworthiness standards;
- 10) makes changes and additions to the current certificates (certificates for the right to perform aviation work), permits to perform flights using unmanned aerial systems over densely populated areas, permits to perform aerial work using unmanned aerial systems issued by the authorized body or authorized civil aviation organization, refuses to issue certificates (certificates for the right to perform aviation work), permits to perform flights using unmanned aerial systems over densely populated areas of settlements, permits to perform aviation work using unmanned aerial systems, revokes, suspends certificates (certificates for the right to perform aviation work) if their holders do not comply with the established requirements;
- 11) issues a certificate for the right to operate flights to a general aviation operator, and also recognizes, modifies, restricts, suspends or revokes a certificate for the right to operate flights of a general aviation operator;
- 12) engages non-commercial organizations uniting aircraft operators in the cases established by this Law;
- 13) carry out the coordination of programs to ensure the aviation security of the airport, operators of civil aircraft of the Republic of Kazakhstan and foreign states that perform

regular flights to the airports of the Republic of Kazakhstan, an air navigation service provider;

14) coordinates activities in the field of aviation security between interested state bodies, assists state bodies in investigating acts of unlawful interference in the activities of civil aviation, develops measures to prevent them;

15) supervise the activities of aircraft operators, airfield (airport) operators, air navigation service providers, aviation training centers, maintenance organizations, aviation security services, aviation medical centers, aviation medical experts;

15-1) establishes restrictions (imposes a ban) on the operation of an aircraft or detains an aircraft on the ground in cases established by this Law;

16) exercises control and supervision over provision of air traffic services, radio engineering and meteorological support in the civil aviation flights, provision of aeronautical information, development of instrument flight procedures and compilation of aeronautical charts, as well as checking the activities and quality of the services provided;

17) exercise control and supervision over the compliance with the requirements of flight and technical operation of aviation equipment and its ground service facilities;

18) exercise control and supervision over the conformity of the condition of the aircraft, its components, spare parts and auxiliary devices with the requirements of the airworthiness certificate issued to the operator and the requirements of the operational and technical documentation that determines the airworthiness;

19) exercise control and supervision over the observance of the requirements and norms established in accordance with this Law by persons related to aviation personnel;

20) exercise control and supervision over the provision by civil aviation organizations of the established requirements and standards for the professional training and health status of aviation personnel;

21) exercise control and supervision over the maintenance of airfield facilities (heliports), landing sites and the quality of services (work) of airfield and ground services that are part of airport activities;

22) keeps records of violations of flight safety and aviation security requirements in the field of civil aviation;

23) exercises control over the search and rescue and rescue support of flights in the field of civil and experimental aviation;

24) together with the authorized body in the field of civil aviation monitors the compliance of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities with the standards and recommended practices of the International Civil Aviation Organization (ICAO);

25) assists the authorized body in the field of civil aviation in ensuring timely notification of the International Civil Aviation Organization (ICAO) about existing differences with the

standards and recommended practices of the International Civil Aviation Organization (ICAO ) and their publication in aeronautical information documents;

26) together with the authorized body in the field of civil aviation issues recommendations in order to prevent aviation accidents and incidents or reduce their consequences, as well as analyze the implementation of such recommendations;

27) together with the authorized civil aviation body, develops, implements, studies and maintains a system for mandatory and voluntary reporting of data on aviation events, including a mechanism for collecting, evaluating, processing, storing and recording the aviation events;

28) together with the authorized body in the field of civil aviation, participates in the exchange of information on flight safety at the state and international levels and in the dissemination of information about aviation events;

29) together with the authorized body in the field of civil aviation, collect and analyze information related to the safety of civil aviation flights, as well as compile and bring such information to the attention of individuals and legal entities carrying out activities in the field of civil aviation. The analysis does not require disclosure of information sources;

30) appoints aviation medical experts;

30-1) issues a permit to perform flights using unmanned aerial systems over densely populated areas of settlements;

30-2) issues a permit to perform aerial work using unmanned aerial systems;

30-3) provides access to the work of the aviation security personnel in accordance with the aviation security training and retraining program;

30-4) implements competency-based training and assessment system related to the issuance of aviation personnel certificates;

30-5) carries out international cooperation with the aviation authorities of foreign states and specialized international organizations in flight safety and aviation security, including through the conclusion of bilateral agreements on cooperation, exchange of experience and information, as well as representation of the Republic of Kazakhstan in international civil aviation organizations;

30-6) provides timely notification to the International Civil Aviation Organization (ICAO) of existing differences with the standards and recommended practices of the International Civil Aviation Organization (ICAO) and their publication in aeronautical information documents;

30-7) requests from individuals and legal entities information, documents and materials provided for by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities;

31) carries out other types of activities not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 16-9 as amended by the laws of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 16-10. Financing the activities of the authorized organization in the field of civil aviation**

1. Financing of the authorized civil aviation organization activities shall be based on revenues from payments in the civil aviation, which should be sufficient to reimburse the costs of providing services, ensure its loss-free activity and financing from its own revenues.

1-1. The authorized civil aviation organization has the right to charge fees in the civil aviation in the manner determined by the rules for charging fees in the civil aviation.

2. The authorized body in the field of civil aviation is obliged to ensure the openness of the budget for society and the media, including by posting financial statements in the public domain on the Internet resource of the authorized body in the field of civil aviation, as well as up-to-date and detailed information on items of expenditure, the amount of which exceeds 100-fold the size of the monthly calculation index established for the corresponding financial year by the law of the Republic of Kazakhstan on the republican budget.

Footnote. Article 16-10 as amended by the laws of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced from 01.07.2023).

#### **Article 16-11. Contributions to ensure the safety of civil aviation flights**

Footnote. Article 16-11 is excluded by the law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced from 01.07.2023).

#### **Article 16-12. State provider of air navigation services**

1. The state air navigation service provider is the air navigation service provider, which is a state enterprise subordinate to the authorized body in the field of civil aviation.

2. The main goal of the state air navigation service provider is to ensure flight safety in the airspace of the Republic of Kazakhstan.

3. The state provider of air navigation services implements the main goal of its activities by providing air navigation services and making deductions for ensuring flight safety.

#### **Article 16-13. The head of the authorized civil aviation organization**

1. The head of the authorized civil aviation organization shall be appointed and dismissed in accordance with the legislation of the Republic of Kazakhstan.

2. The head of the authorized civil aviation organization shall exercise management of the authorized civil aviation organization and is personally responsible for the fulfillment of the



tasks assigned to the organization and the implementation of its functions in accordance with the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

**Footnote. Chapter 2-1 is supplemented by Article 16-13 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Chapter 3. ORGANIZATION OF USING THE AIR SPACE**

#### **Article 17. Basis for organization of using the air space**

1. Organization of using the air space shall provide ensuring of safety, economic and regular performance of aerial vehicles flying (air traffic), as well as the activity, linked with use of air space.

Organization of airspace use includes:

- 1) definition and establishment of airspace structure and classification;
- 2) planning and coordinating the airspace use in accordance with the priorities established by Article 25 of this Law;
- 3) determination and provision of a permissive or notification procedure for the airspace use;
- 4) air traffic management, which is:  
the air traffic service, air traffic management;  
the organization of air traffic flows;
- 5) control and supervision over observance of the Rules for the use of the airspace of the Republic of Kazakhstan.

2. Ensuring of compliance with the Rules of using the air space of the Republic of Kazakhstan by all his (her) users within their own zones of responsibility shall be carried out:

- 1) on air routes and in the areas of aerodromes (heliports) the air traffic services authorities of the air navigation service provider with a notification of the identified violations of the authorized civil aviation body;
- 2) by the air traffic control bodies in the special zones and other regions of the state aviation flights;
- 3) outside the airways when crossing the State Border of the Republic of Kazakhstan in the airspace, the air traffic control bodies or air traffic services bodies of the air traffic service provider in agreement with the authorized state aviation body.

3. Organization of using the air space shall be carried out by the authorized bodies in the scope of civil and state aviation, as well as air traffic support bodies and air traffic control bodies in the zones and regions, established for them in the manner, determined by this Law

and Rules of using the air space of the Republic of Kazakhstan. The principles and procedures for civil-military coordination to ensure the flexible use of airspace are established by the Rules for the use of the airspace of the Republic of Kazakhstan.

4. Organization of the air space structure shall be carried out upon compliance with environmental legislation of the Republic of Kazakhstan.

4-1. Organization of air traffic flows is carried out by the air navigation service provider, which is a state enterprise subordinated to the authorized body in the field of civil aviation, taking into account the declared capacity of air traffic services units.

4-2. The need for air traffic services is determined in accordance with the methodology for assessing the need for air traffic services, approved by the authorized body in the field of civil aviation, and taking into account:

- 1) the types of the relevant air traffic;
- 2) the intensity of air traffic;
- 3) meteorological conditions;
- 4) other factors that may be relevant to this area or location.

5. Air traffic service in the controlled airspace of the Republic of Kazakhstan, with the exception of special zones and flight areas of state and (or) experimental aviation, shall be carried out by an air traffic service provider, which is a state enterprise subordinate to the authorized civil aviation body.

In the areas of individual aerodromes (heliports), the air traffic services may be provided by the air navigation services provider, which is a subject of private business.

5-1. Organization and maintenance of air traffic in the airspace, the sovereignty over which is not defined, as well as in the delegated airspace of neighboring states, where the Republic of Kazakhstan is responsible for providing air traffic services, shall be carried out by the air traffic service provider, which is a state enterprise subordinate to the authorized civil aviation body.

In the areas of individual aerodromes (heliports), air traffic services may be provided by an air traffic service provider, which is a private enterprise.

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

7. Air traffic support bodies shall be obliged to implement the safety management system of flights, depending on the volume and difficulty of performed flights in accordance with the standard type instruction.

8. Air traffic services bodies shall develop and coordinate action plans with the authorized civil aviation organization in case of unforeseen circumstances in connection with the violation of air traffic services.

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

**Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated**

06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication)

#### **Article 18. The activity, linked with the use of air space**

1. The activity, linked with the use of air space of the Republic of Kazakhstan shall include:

- 1) flights of aerial vehicles and other flight facilities;
- 2) all types of shooting and rocket launching, demolition works and other activity, linked with movement of material objects in the air space.

2. Individuals and legal entities, carrying out the activity, mentioned in paragraph 1 of this Article shall be the users of air space.

#### **Article 19. Structure and classification of the air space**

1. The structure and classification of air space, as well as requirements, submitted to the flights and types of air traffic maintenance within the air space of each class shall be established by the Rules of using the air space of the Republic of Kazakhstan.

2. To carry out activities associated with the use of airspace, areas (zones) of flight information, control areas, air traffic services routes, hub control areas, airfield traffic zones, areas of uncontrolled airspace, air routes, special zones for aircraft flights, prohibited zones, dangerous zones, restricted zones for aircraft flights, restricted zones for flights of unmanned aircraft and other special elements established for activities in the airspace, which in total form the structure of the airspace of the Republic of Kazakhstan, shall be established in the Republic of Kazakhstan..

The airspace structure of the Republic of Kazakhstan is published in air navigation information documents in accordance with the rules for provision of air navigation information in civil aviation.

The air space structure shall be published in the documents of aeronautical information in accordance with the Rules of ensuring the aeronautical information of the air operators of aerial vehicles.

3. The air space for the purpose of the air traffic maintenance and (or) air traffic control means the air space of particular size within which particular types of flights may be performed and for which the types of air traffic maintenance and flight rules are determined.

4. Classification of the airspace of the Republic of Kazakhstan for the purpose of air traffic services is determined on the basis of the needs of users of the airspace of the Republic

of Kazakhstan, the need to ensure flight safety, their economic efficiency and is published in air navigation information documents.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 20. Provision of aeronautical service in air space**

1. Aeronautical service for the users of air space of the Republic of Kazakhstan, carrying out the activity, mentioned in subparagraph 1) of paragraph 1 of Article 18 of this Law, shall be carried out on the basis of agreements (standard form agreement).

2. Aeronautical service, provided for the users of air space of the Republic of Kazakhstan shall be carried out without consideration in case of flight performance:

1) of aerial vehicles, suffering or suffered disaster, as well as aerial vehicles, the routes of which were changed due to emergency situation on the board, refusal or defect of material part from the moment of determining the location of aerial vehicle;

2) aircraft for search and rescue operations, as well as for aircraft involved in trainings for search and rescue operations in accordance with the contract concluded with the air navigation service provider;

3) aircraft for providing medical and (or) humanitarian assistance to the population in case of natural disasters, as well as foreign aircraft to provide medical and (or) humanitarian assistance to the population of the Republic of Kazakhstan, confirmed by the state body engaged in foreign policy activities;

4) of aerial vehicles of the state aviation of the Republic of Kazakhstan;

5) of aerial vehicles, transferring the President of the Republic of Kazakhstan, Prime Minister of the Republic of Kazakhstan, kingship, heads of states and governments of foreign states;

5-1) light and ultra-light aircraft;

6) in accordance with international treaties, ratified by the Republic of Kazakhstan, if provisions of the treaty provide release from the payment for air traffic maintenance.

3. Charging the airspace users for provision of air navigation services is performed by the air navigation service provider. Regulation of legal relations with organizations involved in provision of services included in the air navigation services is carried out on the basis of contracts.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official

publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 21. Provision of aeronautical information**

1. The air navigation service provider, which is a state-owned enterprise subordinate to the authorized civil aviation body, shall ensure the provision of aeronautical information throughout the territory of the Republic of Kazakhstan, as well as in the airspace, the sovereignty over which is not defined, where the Republic of Kazakhstan is responsible for providing air traffic services.

Provision of aeronautical information shall be carried out in accordance with the standards of the International Civil Aviation Organization (ICAO) and the rules for the provision of aeronautical information in civil aviation.

2. Individual or legal entities serving as a source of air navigation information shall be obliged in accordance with the rules for provision of air navigation information in civil aviation, to provide, on a gratuitous basis, the necessary information to ensure flight safety and bear responsibility for the credibility, accuracy and timeliness of provision of such information.

3. The authorized organization in the field of civil aviation exercises control over ensuring the reliability, accuracy and timeliness of the provided aeronautical information.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 22. Types of air traffic maintenance**

1. Air traffic maintenance shall include the following types:

1) dispatching service of air traffic that means the service, provided in controlled air space for the purposes of:

prevention of collisions between aerial vehicles and aerial vehicles with obstacles on the maneuvering area;

acceleration and regulation of air traffic;

2) inflight and informative maintenance, the purpose of which is provision of advices and information with the use of existing communication facilities for safety ensuring of flight performance;

3) alarm reporting that is maintenance, provided for notification of the relevant organizations on aerial vehicles, being in need of help of search and rescue services and rendering of necessary assistance to such organizations.

2. Dispatching service of air traffic shall be divided into:

region dispatching service for ensuring of dispatching service of flights in the controlled air space;

dispatching service of the approach for ensuring the dispatching service of flights that linked with arrival and departure of aerial vehicles from the aerodromes (helicopter aerodromes);

aerodrome dispatching service for ensuring the dispatching service of aerodrome traffic.

For ensuring the dispatching service of air traffic, the air traffic support body shall:

1) provide information on expected traffic of every aerial vehicle or its changing, as well as the last information on factual flight progress of every aerial vehicle;

2) determine comparative location of aerial vehicles on the basis of received information, on which it is informed in respect of each other;

3) issue permits and information for prevention of collisions between aerial vehicles controlled by them, as well as for acceleration and maintenance of the ordered traffic flow;

4) coordinate permits with other air traffic support bodies (air traffic control bodies) if appropriate, when the aerial vehicle may create conflicting situation with other aerial vehicles, performing the flight under control of other air traffic support bodies (air traffic control bodies), or before turning over the control of aerial vehicle to other air traffic support bodies (air traffic control bodies).

Organization and provision of dispatch services of aircraft, including requirements for separation of aircraft, are determined by the Instruction on organization and maintenance of air traffic.

3. Dispatch permits issued by air traffic services units are based on the requirements for provision of air traffic control services.

4. Flight information services are provided for all aircraft the flights of which may be affected by this information and which are provided by the air traffic control service or whose location is known to the air traffic services unit.

5. Alarm reporting shall be provided by:

1) all aerial vehicles provided by dispatching service of the air traffic;

2) all other aerial vehicles, presented the flight plan or location of which is known to the air traffic support body;

3) any aerial vehicles in respect of which it is known or suggested that they are the object of illegal interference.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

**Article 23. Flight rules**

Flights of aircraft over the territory of the Republic of Kazakhstan are carried out in accordance with the rules for performing flights in civil and state aviation.

On board an aircraft, when performing flights, there must be the aircraft documents stipulated by the rules for performance of flights in civil and state aviation.

**Footnote. Article 23 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 24. Aircraft flight plan**

Information regarding the planned flight or part of the flight to be sent to the air traffic services and (or) air traffic control authorities shall be presented in the form of a flight plan, in existence of permits for the use of airspace provided for by this Law, and in accordance with the rules for the use of the airspace of the Republic Kazakhstan, which define:

- 1) cases in which a flight plan is presented;
- 2) the procedure for presenting the flight plan, making changes and closing the flight plan, as well as the content of the flight plan;
- 3) the procedure for notification about flights in uncontrolled airspace.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 25. Priorities in the use of airspace**

The airspace of the Republic of Kazakhstan is accessible to all airspace users with equal rights for its use.

If there is a need to use airspace simultaneously by two or more users, the priority right for its use shall be given to the users in accordance with the state priorities in the following sequence:

- 1) anticipation of an air attack or prevention and termination of violation of the State border of the Republic of Kazakhstan in airspace, the procedure for the use of airspace, elimination of the use of force or a threat of the use of force against the sovereignty, territorial integrity and security of the Republic of Kazakhstan;

- 2) assistance in natural and other disasters, cataclysms, accidents, emergency and other situations that threaten the life or health of people or create the danger of causing significant material damage;

- 3) launching, landing, search and evacuation of space vehicles and their crews;

- 4) flights performed in accordance with the Rules for organization and provision of especially important flights of the Republic of Kazakhstan;

5) the conduct of the scheduled exercises of the authorized body in the field of state aviation, as well as the flights of aircraft or other activities carried out in accordance with the resolutions of the Government of the Republic of Kazakhstan;

6) regular flights for transportation of passengers, cargo and postal items;

7) flights of state aviation of the Republic of Kazakhstan, as well as of other states;

8) the conduct of experimental and research works;

9) irregular air transportation and performance of aviation works;

10) the conduct of educational, demonstration, cultural and educational activities, as well as flights for the personal purposes of the operator.

**Footnote. Article 25 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 26. Prohibition or restriction of the use of airspace**

The use of the airspace of the Republic of Kazakhstan or its individual areas is prohibited or restricted for flights of aircraft in cases of carrying out the activities provided for by subparagraph 2) of paragraph 1 of Article 18 and subparagraphs 1) - 5) of Article 25 of this Law, by the authorized body in the field of state aviation, in the order, established by the Rules for the use of the airspace of the Republic of Kazakhstan.

**Footnote. Article 26 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 27. Violation of the procedure for using the air space**

1. The violations of the procedure for using the air space of the Republic of Kazakhstan shall include:

1) the activities specified in Article 18 of this Law carried out without the submission of a flight plan (for flights in uncontrolled airspace without notice) and (or) without permission to fly, and (or) without permission to carry out activities posing a threat to flight safety;

2) flight of the group of aerial vehicles, the quantity of which exceeds the quantity, stated in permit;

3) non-compliance of aerial vehicles with the regimes of using the air space;

4) overflight of forbidden zone and (or) restricted area of aerial vehicle without the special permit of the air traffic control bodies of the authorized body in the scope of state aviation;

5) landing of aerial vehicles on aerodrome, not stated in the flight plan, except for the cases of unscheduled landing and setting a course to alternate aerodrome;

6) deviation from the airways and from the axes of the routes at distances exceeding the norms established by the Rules for the use of the airspace of the Republic of Kazakhstan,



except in cases of an obvious threat to flight safety and prevention of an aviation accident and (or) when the air traffic service authority issued a permission to fly outside the airway;

7) non-carrying out of the instructions of the air traffic support bodies or the air traffic control bodies by users of air space, with the exception of cases of visible threat to the flight operating safety and aviation accident prevention.

2. Authorized bodies in the scopes of civil and state aviation, air traffic support bodies, air traffic control bodies shall be obliged to take necessary measures to prevent and (or) terminate, and (or) to suppress the violations of the procedure for using the air space in accordance with their competence, and air space users, admitted the violation of procedure for using the air space shall be obliged to terminate mentioned violation at their expense and (or) using their own efforts.

Air traffic services authorities, at the request of the competent state authorities, in accordance with the rules for using the airspace of the Republic of Kazakhstan, have the right to force a foreign aircraft to land at the airfield of the Republic of Kazakhstan for inspection in the existence of information about the presence of an undeclared specific product on board in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.12.2022 № 173-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 28. Deviation of aerial vehicle from the flight plan. Aerial non-compliant vessel**

1. Upon deviation of aerial vehicle from the established flight plan, the air traffic support body (air traffic control body) shall be obliged to take the following measures immediately:

1) use all available means for establishment of connection with crew team of aerial vehicle and for determination of location of the aerial vehicles deviated from established flight plan;

2) inform the allied air traffic support bodies and air traffic control bodies in the area of responsibility of which, the aerial vehicle possibly entered or may enter as a result of deviation.

2. When the location of aerial vehicle is established, the air traffic support body (air traffic control body) shall inform the crew team of aerial vehicle on its location and corrective actions, which shall be performed.

3. Aerial vehicle, violated the State Boundary of the Republic of Kazakhstan in air space or admitted another violation of the procedure for using air space of the Republic of Kazakhstan shall be recognized by an aerial non-compliant vessel and shall be subject to compulsory landing, if it does not obey the requirements of the air traffic support bodies and (or) the air traffic control bodies.

Aerial non-compliant vessel, received the warrant on landing shall land in the stated place immediately.

3-1. The conditions and procedure for taking measures to terminate the violation of the procedure for using the airspace of the Republic of Kazakhstan by civil aircraft are determined in accordance with this Law and the rules for using the airspace of the Republic of Kazakhstan.

4. In cases of creating a threat to the security of the Republic of Kazakhstan, the life and safety of people on its territory and its strategic facilities, all measures are taken to prevent the threat, up to and including the destruction of the intruder aircraft, in accordance with the Rules for the use of weapons and military equipment against aircraft violating the airspace of the Republic of Kazakhstan, approved by the Government of the Republic of Kazakhstan.

5. In case, when there is true information that passengers and other persons, not accessory to violation of the procedure for using air space are on board, the state shall abstain from weapon employment against civil aerial vehicles in flight.

Aerial non-compliant vessel shall be subject to detention on the landing aerodrome upon non-compliance with conditions of taking-off in air space of the Republic of Kazakhstan and (or) in cases of violation of the procedure for using air space.

The further flight of aerial non-compliant vessel after investigation of the violation shall be permitted in the manner, determined by the Rules of using air space of the Republic of Kazakhstan.

The violation of established requirements for using air space of the Republic of Kazakhstan shall be subject to investigation in accordance with the Rules of using the air space of the Republic of Kazakhstan.

**Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 05.07.2024 № 115-VIII (comes into force ten calendar days after the date of its first official publication).**

#### **Article 29. Communication organization for use of air space**

1. Users of aerial vehicle shall be obliged to be in communication with the air traffic support bodies and (or) air traffic control bodies in accordance with the Rules of using the air space of the Republic of Kazakhstan.

2. Communication organization shall provide necessary communication channels on lease to the air space users. In case of breakdown of provided communication channels, they shall be replaced by another communication channels.

#### **Article 30. Radio communication upon air traffic maintenance or air traffic control**

1. Radiotelephony and (or) coordination link shall be used for communication upon air traffic maintenance or air traffic control.

2. Means of communication shall enable to lead the direct, operational, continuous and noise free bi-directional communication between air traffic support bodies (air traffic control bodies) and air space users.

3. Individuals and legal entities that have the installations and devices, creating noises to the means of radio-technical support of the flights of aerial vehicles and radio communication with them shall be obliged to eliminate noises using own efforts upon request of the authorized body in the field of communication and its subdivisions, and before their elimination shall be obliged to terminate operation of such installations and devices.

4. The procedure for providing communications, the requirements of air traffic services units for providing communications, description of communication devices in civil aviation are determined by the rules of radio technical support for flights and aviation telecommunications in civil aviation.

5. Procedures for conducting radio communications are determined by the Rules of phraseology and radio exchange in the course of flights and air traffic services, approved by the authorized civil aviation body.

6. Radiotelephony communication in the territory of the Republic of Kazakhstan shall be carried out in Kazakh, Russian and English languages.

**Footnote. Article 30 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 31. Flights over a populated area**

1. Aircraft flights are carried out over densely populated areas of cities or towns at the altitude that ensures, in the event of emergency or emergency circumstances, the landing that does not endanger people or property on the ground, unless it is necessary for take-off or landing or a permission of the air traffic control authority is issued for this.

2. The procedure for coordinating flights over populated areas, including establishment of permanent patterns (routes) and unmanned aerial vehicles over them, is determined by the rules for using the airspace of the Republic of Kazakhstan.

3. During the period of security measures, flights of aircraft and unmanned aerial vehicles over populated areas shall be coordinated with the national security authorities and the State Security Service of the Republic of Kazakhstan.

**4. Excluded by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Footnote. Article 31 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first**

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

### **Article 32. Demonstration flights**

1. Demonstration flights, which are not a stage of certification of aircraft operators, are used to display aviation equipment, to promote aviation achievements, and to provide socio-political and spectacular cultural events.

2. Demonstration flights of aerial vehicles shall be performed in established zones (regions) with observance of safety measures, excluding the crash of aerial vehicle on residential areas and crowds of people.

3. Responsibility for safety of demonstration flights shall be imposed on their organizer.

**Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Article 33. Flights with the use of unmanned aerial systems**

**Footnote. The heading of Article 33 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. The operation of an unmanned aerial vehicle must minimize the threat of harm to people's life or health, damage (harm) to property, danger to other aircraft, subject to the conditions established by the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan and the operational documentation of an unmanned aerial vehicle

2. To perform flights of an unmanned aerial vehicle over densely populated areas, its operator must obtain permission to perform such flights from an authorized civil aviation organization in the manner determined by the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

3. Flights of unmanned aerial vehicles over protected facilities shall be coordinated with the State Security Service of the Republic of Kazakhstan.

4. Flights of unmanned aerial vehicles in the airspace above the border strip shall be prohibited, with the exception of flights performed by unmanned aerial vehicles of the Border Service of the National Security Committee of the Republic of Kazakhstan and other authorized bodies in the performance of the tasks assigned to them.

Flights of unmanned aerial vehicles of authorized bodies over the border strip shall be performed with the permission of the Ministry of Defense of the Republic of Kazakhstan in

agreement with the Border Service of the National Security Committee of the Republic of Kazakhstan.

5. Flights using unmanned aircraft systems without a remote identification system or with an inoperative remote identification system shall be limited in cases and the manner determined by the rules for the use of unmanned aircraft systems in the airspace of the Republic of Kazakhstan.

6. For violation of the provisions of this article, operators of unmanned aerial systems shall bear administrative responsibility in accordance with the Code of the Republic of Kazakhstan on administrative infractions.

7. An unmanned aerial system of a new design (new type), intended for serial production, must have a certificate of conformity issued by an authorized civil aviation organization after passing factory, state and operational tests.

8. A certificate of conformity of an unmanned aerial system shall be issued by an authorized civil aviation organization in accordance with the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

9. Each specimen of an unmanned aerial system that does not have an approved type design must have a certificate of conformity of compliance of its design, characteristics and operational and technical documentation issued by an authorized civil aviation organization for compliance with the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

**Footnote. Article 33 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 25.06.2020 № 347-VI (effective ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (for the procedure of entry into force see Art. 2).**

#### **Article 34. Radio-technical support**

1. Radio technical support of flights, which involves provision of communication, navigation and surveillance systems, is carried out by the organizations of operation of radio technical equipment and communications of civil and (or) state aviation.

2. Procedure for organization and carrying out of the activity on radio-technical support of flights upon the air traffic maintenance or air traffic control for the purpose of flight operating safety and flight regularity, taking-off and landing of aerial vehicles shall be determined:

1) for civil and experimental aviation in accordance with the rules of radio technical support of flights and aviation telecommunications in civil aviation;

2) for the state aviation in accordance with the Rules of communication organization and radio-technical support of the state aviation of the Republic of Kazakhstan and Rules of the maintenance operations of the means of communication, radio-technical support of flights and

automated control system of the state aviation, approved by the authorized body in the scope of civil aviation.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

### **Article 35. Meteorological support of flights**

1. Meteorological support of flights of aerial vehicles shall consist in well-timed provision of qualitative meteorological information to the air operators, air traffic support bodies, air traffic control bodies and to other air space users of the Republic of Kazakhstan, carrying out the activity, mentioned in subparagraph 1) of paragraph 1 of Article 18 of this Law, independently from their state affiliation, departmental affiliation and forms of ownership, on the basis of agreements.

The functions of the authorized meteorological body are performed by the authorized organization in the field of civil aviation.

2. Meteorological support of civil and experimental aviation flights is performed by providers of air navigation service in accordance with the rules of meteorological support for civil aviation approved by the authorized body in the field of civil aviation.

Meteorological support of the flights of state aviation is carried out in accordance with the rules of meteorological support of the state aviation of the Republic of Kazakhstan.

**Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).**

### **Article 35-1. Certification of air navigation service provider**

1. Air navigation service providers should comply with the certification requirements for air navigation service providers.

The compliance of air navigation service providers is confirmed by the issuance of an air navigation service provider certificate indicating the scope of its use and the permitted types (sub-types) of activity.

Air navigation service provider certification is carried out by an authorized civil aviation organization.

By agreement with the authorized organization in the field of civil aviation, temporary deviations from certification requirements are allowed if such deviations are compensated by

the introduction of additional measures to ensure a level of flight safety equivalent to the established one.

2. The procedure for conduct of certification, issuance or suspension (revocation) of the certificate of the air navigation service provider, making changes and / or amendments thereto shall be determined by the rules for certification of air navigation service providers.

3. Refusal to issue an air navigation service provider certificate is made in cases where the applicant does not meet the certification requirements.

4. The authorized organization in the field of civil aviation, in case of detecting violations of certification requirements for the purpose of continuity of air navigation services, takes actions in the following order:

1) requires the holder of the air navigation service provider certificate to submit a corrective action plan in accordance with Article 16-3 of this Law and its implementation;

2) transfers materials to the authorized body in the field of civil aviation for taking measures in accordance with the Code of the Republic of Kazakhstan on Administrative Offenses in case of non-fulfillment or improper fulfillment of the corrective action plan;

3) depending on the violation, withdraws the certificate of the air navigation service provider or suspends in whole or in part the scope of such certificate (or permitted types (sub-types) of activities specified in the certificate) if violations of certification requirements are not eliminated in the next six months from the date of bringing to administrative responsibility.

Validity of the certificate of the air navigation service provider may be wholly or partially limited, also at the request of its holder, in accordance with the rules for certification of air navigation service providers.

**Footnote.** Chapter 3 is supplemented by Article 35-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced from 01.01.2014); in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).

#### **Article 35-2. Ensuring flight safety in the event of a change in functional air traffic management systems**

1. Air navigation service providers, prior to the introduction of changes in functional air traffic management systems related to flight safety, shall notify the authorized organization in the field of civil aviation in advance of such changes in the manner prescribed by the rules for certification of air navigation service providers.

2. The list of changes in the functional systems of air traffic management, subject to prior agreement with the authorized organization in the field of civil aviation, as well as the

procedure and conditions for such agreement are determined by the certification rules for air navigation service providers.

3. For violation of the provisions of this article, air navigation service providers bear administrative responsibility in accordance with the Code of the Republic of Kazakhstan on Administrative Offenses.

**Footnote.** Chapter 3 is supplemented by 35-2 in accordance with the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).

#### **Article 36. Release of airways to service**

Airways shall be released to service in accordance with the rules for admission of airways to operation, approved by the authorized body in the field of civil aviation.

Data on airways shall be published in air navigation information documents.

**Footnote.** Article 36 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 37. Measure units for the purpose of performing the flights and air traffic maintenance**

1. The unified system of coordinate, height, gravimetric and satellite measurements that conforms to the requirements of International Civil Aviation Organization (ICAO) standards shall be established for the purpose of performing the flights and air space maintenance in the territory and in the air space of the Republic of Kazakhstan.

2. The measurement systems used shall be specified in the Rules for the use of the airspace of the Republic of Kazakhstan.

**Footnote.** Article 37 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 38. Protection against harmful effect of the flights of aerial vehicles**

1. A civil aircraft intended for operation in the Republic of Kazakhstan is certified by an authorized organization in the field of civil aviation for compliance with the requirements of the International Civil Aviation Organization (ICAO) regarding noise on the ground with the issuance of a noise certificate, which is an annex to the certificate of airworthiness of a civil aircraft.

Conduct of certification procedure and issuance of noise certification shall be carried out in accordance with the Rules of certification procedure and issuance of the air worthiness certification of the civil aerial vehicle of the Republic of Kazakhstan.



Owners of aerodromes (helicopter aerodromes), air operators, commanders and members of the crew team of aerial vehicles shall be obliged to prevent unnecessary noises or minimize them upon operation of aerial vehicles on the ground or in the air space.

2. Dropping of substances or other wastes and materials, hazardous to health of people and environment from aerial vehicles shall be prohibited, with the carrying out of performance of aviation works in agricultural economy, performed in compliance with the safety measures of population and environment, operational and combat flights of the state aviation or in case of visible threat to the flight operating safety and prevention of the aviation accident.

Evacuation zone of aerial vehicle, zone of fuel draining or its depletion in flight, where the minimal flight height equal for all aerial vehicles or separately by the types of aerial vehicles is provided, may be established in particular regions for the purpose of prevention the harm effect of aerial vehicles on people, animals and environment.

3. Flights of aerial vehicles in air space of the Republic of Kazakhstan with hypersonic velocity shall be performed at heights, excluding harmful effect of acoustic impact to environment, according to general rules or in the areas, far from inhabited localities, which are allocated specifically for hypersonic flights.

**Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).**

## **Chapter 4. INTERNATIONAL FLIGHTS**

### **Article 39. International flights of aerial vehicles of the Republic of Kazakhstan**

1. International flights of aerial vehicles of the Republic of Kazakhstan shall be carried out on the basis and in accordance with conditions of:

- 1) international treaties, the participant of which is the Republic of Kazakhstan;
- 2) legislation of the Republic of Kazakhstan in the field of using the air space of the Republic of Kazakhstan and aviation activity;
- 3) special permits for performance of single flights, issued by the competent body of the relevant foreign states.

2. Request for receipt of the special permit for the flight of aerial vehicle of the Republic of Kazakhstan in air space of the foreign state shall be transmitted to foreign states by the authorized body, carrying out foreign policy activity in cases of:

international flights of the state and (or) experimental aviation of the Republic of Kazakhstan;

international flight of civil aerial vehicle of the Republic of Kazakhstan, transporting civil servants, determined by the resolution of the Government of the Republic of Kazakhstan.

Request shall be performed on the basis of applications of interested state bodies of the Republic of Kazakhstan upon compliance with all requirements, concerning the vessel documents, certificates for the members of crew team, copies of insurance policies, as well as other requirements and rules, valid in the territory of the Republic of Kazakhstan and foreign states, in the territory (through the territory) of which the flight operation is planned.

3. The air operator of civil aerial vehicle shall carry out the request on an individual basis for receiving the special permit, issued by the competent bodies of the relevant states for flight of civil aerial vehicle of the Republic of Kazakhstan in the air space of foreign state. In existence of requirement of the competent body of foreign state to issue special permit upon the request of the authorized body, carrying out foreign policy activity, the authorized body in the scope of civil aviation shall carry out such requests in accordance with paragraph 2 of this Article on the basis of application of the air operator of civil aerial vehicle.

4. When performing an irregular international flight outside the airspace of the Republic of Kazakhstan, the operator of a civil aircraft of the Republic of Kazakhstan is obliged to notify the authorized organization in the field of civil aviation of the date and purpose of the flight performed in the manner established by the authorized body in the field of civil aviation

4-1. The head office of a civil aircraft operator performing non-scheduled flights outside the airspace of the Republic of Kazakhstan must be located on the territory of the Republic of Kazakhstan and operational and financial decisions affecting the direction, control and coordination of the activities and operations of the organization must be available for verification by the competent state authorities.

5. International flight of the air operator of civil aerial vehicle for transportation of military formations, weaponization and military equipment of foreign states, as well as double-purpose products shall not be allowed without coordination with the authorized body in the scope of civil aviation. The authorized body in the scope of civil aviation in turn shall carry out the coordination of this flight with the body, carrying out foreign policy activity within its competence.

5-1. Failure to notify the authorized civil aviation organization of the date and purpose of the performed flight in accordance with paragraph 4 of this article, or giving false information in the notification, as well as breach of the requirements of paragraphs 4-1 and 5 of this article shall be the grounds for revoking the air operator certificate.

6. Upon performance of the international flight in air space of foreign state, in case of requirement of the authorized body of foreign state on compulsory landing on the stated aerodrome, the crew team of civil aerial vehicle of the Republic of Kazakhstan shall be obliged to carry out this requirement.

**Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 02.01.2021 № 399-VI (effective ten calendar days after the date of its first official publication).**

## **Article 40. Flights of aerial vehicles of foreign states in the air space of the Republic of Kazakhstan**

1. Flights of aerial vehicles of foreign states in air space of the Republic of Kazakhstan shall be carried out on the basis of:

- 1) international treaties, the participant of which is the Republic of Kazakhstan;
- 2) legislation of the Republic of Kazakhstan in the field of using the air space of the Republic of Kazakhstan and aviation activity;
- 3) permits for performing the international regular flights through the territory of the Republic of Kazakhstan without landing or with landing on the aerodromes of the Republic of Kazakhstan with non-commercial purposes;
- 4) permits for international non-scheduled (one-time) flights, with the exception of flights operated without landing, subject to the provision of prior notification to air traffic services;
- 5) special (diplomatic) permits for performance of single flights.

2. Permits for performance of international regular flights through the territory of the Republic of Kazakhstan without landing on the aerodromes of the Republic of Kazakhstan with non-commercial purposes shall be issued by the authorized body in the scope of civil aviation.

3. Special (diplomatic) permits shall be issued in accordance with the Rules of using the air space of the Republic of Kazakhstan by the authorized body, carrying out the foreign policy activity, for performance of single flights:

- 1) of the state and experimental aerial vehicles;
- 2) of civil aerial vehicles, transporting the civil servants of foreign states according to the list, established by the Rules of using the air space of the Republic of Kazakhstan;
- 3) of aerial vehicles for transportation of military formations, weaponization and military equipment of foreign states, as well as double-purpose products.

4. Permits for international non-scheduled (one-time) flights of civil aircraft are issued by the authorized body in the field of civil aviation, taking into account the provisions of paragraph 3 of this article.

The procedure for issuing permits for international non-scheduled (one-time) flights of civil aircraft and for providing preliminary notifications on flights operated without landing are established by the Rules for Issuing and Grounds for Refusing to Issue Permits for International Non-Scheduled Flights.

4-1. Performance of international occasional (single) flights, linked with commercial airborne transportation, formed in the territory of the Republic of Kazakhstan by civil aerial vehicles of foreign air operators shall not be allowed, unless otherwise provided by the international treaties of the Republic of Kazakhstan or permits, issued by the authorized body in the scope of civil aviation.

5. The grounds for refusal in issuance of permits, as well as special (diplomatic) permits for performance of international occasional (single) flights of aerial vehicles shall be in the following cases:

1) prohibition of using the air space of the Republic of Kazakhstan or its particular areas, through which the route of the flight of aerial vehicle goes by the authorized body in the scope of state aviation in accordance with Article 26 of this Law;

2) taking flight of aerial vehicle would violate the provisions of international treaties, the participant of which is the Republic of Kazakhstan;

3) intended flight would violate the Rules of using the air space of the Republic of Kazakhstan and (or) another legislation of the Republic of Kazakhstan in the field of using the air space of the Republic of Kazakhstan and aviation activity.

**Footnote. Article 40 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 41. Performance of international flights in air space of the Republic of Kazakhstan**

1. General provisions, regulating the performance of flights and operation of aerial vehicles shall be in force upon performance of international flights of the national aerial vehicles and aerial vehicles of foreign states in the air space of the Republic of Kazakhstan in accordance with this Law.

2. International flights in the airspace of the Republic of Kazakhstan shall be carried out along international air routes, except for cases when the air traffic services authority has issued permission to fly outside the air route.

Procedure for opening of the air paths for international flights of aerial vehicles shall be determined by the Rules of using the air space of the Republic of Kazakhstan.

Intersection of the State Boundary of the Republic of Kazakhstan in air space shall be performed by aerial vehicles in the points of intersection of its international paths or through air corridors, appropriated specially for these purposes in the manner, established by the Rules of using the air space of the Republic of Kazakhstan.

3. By agreement with the authorized civil and state aviation bodies, it is allowed to perform international flights on domestic air routes, flight routes and outside air routes.

4. An exception from the established Rules for the use of the airspace of the Republic of Kazakhstan for crossing the State Border of the Republic of Kazakhstan shall be admissible in the following cases:

1) natural disaster, catastrophe, accidents, accident situations on aerial vehicle and in other cases, threatening to life or health of people;

2) provided by the international treaties, ratified by the Republic of Kazakhstan;

3) of receiving the permit, issued in the manner, determined by the Rules of using the air space of the Republic of Kazakhstan.

5. For the purpose of international flights, the geodetic system of reference, conformed to the standards of International Civil Aviation Organization (ICAO) shall be used as the geodetic reference system in a horizontal plane.

6. Flight of aerial vehicles from the territory of the Republic of Kazakhstan, as well as their landing after taking off in the territory of the Republic of Kazakhstan shall be performed on aerodromes, opened for international flights.

7. Force of passport, customs, currency, sanitary and epidemiological rules and regulations, established by the legislation of the Republic of Kazakhstan shall be applied to all aerial vehicles, their crew teams and passengers, arriving in the territory of the Republic of Kazakhstan and departing from its territory or flying through, as well as to all their property, brought from this territory.

8. Certificates of aviation personnel, vessel documents being on the board of civil aerial vehicles of foreign states shall be recognized valid in the territory of the Republic of Kazakhstan, if they conform to International Civil Aviation Organization (ICAO) standards. In case of lease, freightage (charter) or interchange of aerial vehicles, the certificates of aviation personnel, vessel documents, being on the board of civil aerial vehicles of foreign states, issued under agreements between foreign states shall be recognized as valid in the territory of the Republic of Kazakhstan.

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

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

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Chapter 5. AERIAL VEHICLES**

### **Article 42. Classification of aircraft and unmanned aerial systems**

Footnote. The heading of Article 42 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. Depending on belonging to aviation, aerial vehicles shall be divided into:  
state aerial vehicles;  
civil aerial vehicles;  
experimental aerial vehicles.

2. State aerial vehicle shall be aerial vehicle, used in the state aviation and registered in register of aerial vehicles of the state aviation.

3. Civil aerial vehicle shall be aerial vehicle, used in civil aviation and registered in state register of civil aerial vehicles of the Republic of Kazakhstan or foreign state.

Classification of civil aircraft, depending on the aircraft performance characteristics and aircraft data shall be determined by the Rules for performance of flights in civil aviation of the Republic of Kazakhstan.

Classification of unmanned aerial systems depending on the flight performance and data of an unmanned aircraft shall be determined by the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

4. Experimental aerial vehicle shall be aerial vehicle, intended for conducting design and development, experiments research and development works and trials.

**Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 43. Type certification**

**Footnote. The heading of Article 43 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. A civil aircraft, an engine and a propeller of a new design (new type), intended for serial production, are subject to certification by an authorized civil aviation organization for compliance with their airworthiness standards effective in the Republic of Kazakhstan and must have a type certificate issued by an authorized civil aviation body after passing factory, state and operational tests.

2. The type certification of a civil aircraft, engine and propeller shall be carried out in accordance with the Rules for certification and issuance of a type certificate.

3. Developer of civil aerial vehicle shall be the owner of type certification.

4. All changes in the approved type design of a civil aircraft, engine and propeller or their operational and technical documentation that affect airworthiness are subject to additional certification by an authorized civil aviation organization in order to obtain an addition to the type certificate or in cases determined by the certification rules and issuance of a type certificate, evaluation of design changes by an authorized civil aviation organization to obtain modification or repair approval.

5. The validity of the type certificate issued by the authorized organization in the field of civil aviation is suspended, and the operation of the aircraft is temporarily suspended in the manner prescribed by the Rules for certification and issuance of a type certificate, in the event of deficiencies that threaten flight safety.

6. A type certificate issued by a foreign state, an international organization in the field of civil aviation, which certifies aircraft, is recognized as an authorized organization in the field of civil aviation in the manner prescribed by the Rules for certification and issuance of a type certificate.

Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 44. Certification procedure of the civil aerial vehicle sample**

1. Each copy of a civil aircraft that does not have an approved type design must be certified and have a certificate of compliance of its design, characteristics and operational and technical documentation with airworthiness standards issued by an authorized organization in the field of civil aviation.

Aerial vehicle, on which the certificate for compliance of construction, characteristics and operations documentation with air worthiness standards is issued, shall not be allowed to carrying out of commercial airborne transportations.

2. Certification of a copy of a civil aircraft is carried out by an authorized organization in the field of civil aviation with the involvement of non-profit organizations uniting aircraft operators, in accordance with the certification rules in the field of light and ultralight aviation.

Footnote. Article 44 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).

#### **Article 45. State registration of aircraft, rights to them, registration and accounting of unmanned aerial systems**

Footnote. The title of Article 45 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. State aerial vehicles shall be subject to the state registration in Register of aerial vehicles of the state aviation of the Republic of Kazakhstan in accordance with the Rules of registration of aerial vehicles of the state aviation of the Republic of Kazakhstan.

Possessor of the state aerial vehicle shall be issued by notification on the state registration of aerial vehicle in the Register of aerial vehicles of the state aviation by the authorized body in the scope of civil aviation.

2. Civil aircraft are subject to state registration in the State Register of Civil Aircraft of the Republic of Kazakhstan in accordance with the Rules for State Registration of Civil Aircraft of the Republic of Kazakhstan and the rights to them, approved by the authorized body in the field of civil aviation.

A civil aircraft is registered in the State register of civil aircraft of the Republic of Kazakhstan at the request of the owner or with the consent of the owner, its operator, provided that:

1) the aircraft is not registered in another state;

2) the owner or operator of the aircraft is an individual or legal entity of the Republic of Kazakhstan;

2-1) the aircraft owner or operator shall not be a person included in the list of organizations and persons associated with the financing of mass destruction weapons proliferation, and (or) in the list of organizations and persons associated with the financing of terrorism and extremism, in accordance with the legislation of the Republic Kazakhstan, with the exception of aircraft confiscated and (or) recovered by a court resolution;

3) a type certificate or other similar document has been issued or recognized as valid by an authorized civil aviation organization;

4) the calendar operation period of aircraft intended for freight carriage (the period calculated from the aircraft manufacture date to the registration date) shall not exceed twenty-five years;

5) the resource of an aircraft intended for freight carriage, calculated by the number of flight cycles and by hours, not more than two thirds of the established factory resource (with official confirmation of the manufacturer or design bureau);

6) availability of equipment that provides transmission of data on the state and location of the board intended for the freight carriage via terrestrial and satellite channels.

The operator (owner) of the registered civil aircraft receives a certificate of state registration of a civil aircraft from the authorized body in the field of civil aviation.

The aircraft included in the State register of civil aircraft of the Republic of Kazakhstan must comply with the norms of airworthiness of civil aircraft of the Republic of Kazakhstan and the requirements of operational and technical documentation determining its airworthiness.

2-1. The authorized body in the field of civil aviation refuses to register a civil aircraft if the aircraft does not meet the airworthiness requirements.

2-2. From the moment of registration in the State register of civil aircraft of the Republic of Kazakhstan, a civil aircraft acquires the national affiliation to the Republic of Kazakhstan.

The certificate of state registration is on board the aircraft.



3. The rights to civil aircraft owned by individuals or legal entities of the Republic of Kazakhstan, as well as irrevocable powers, are subject to registration by an authorized organization in the field of civil aviation in the State Register of Civil Aircraft of the Republic of Kazakhstan.

4. Is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

5. Experimental aircraft are registered with an authorized organization in the field of civil aviation.

6. From the moment of acquiring ownership rights for the purpose of operation, unmanned aerial systems are subject to accounting or registration with the authorized civil aviation organization as determined by the rules of state registration of civil aircraft of the Republic of Kazakhstan and rights to them, or with the authorized state aviation body in the manner determined by the rules for registration of the state aviation aircraft of the Republic of Kazakhstan.

Categories of unmanned aerial systems subject to accounting or registration shall be determined by the rules of state registration of civil aircraft of the Republic of Kazakhstan and the rights to them or the rules of registration of state aviation aircraft of the Republic of Kazakhstan.

Persons acquiring unmanned aerial systems for the purpose of operation shall file an application to an authorized civil aviation organization for recording or registration.

7. Information about registered civil aircraft in the State Register of Civil Aircraft of the Republic of Kazakhstan, and also about unmanned aerial systems recorded or registered in the register of unmanned aerial systems of civil aviation of the Republic of Kazakhstan, shall be transferred to the authorized state aviation body.

Footnote. Article 45 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 13.05.2020 № 325-VI (effective six months after the date of its first official publication); dated 02.01.2021 № 399-VI (effective ten calendar days after the date of its first official publication); dated 13.05.2020 № 325-VI (effective six months after the date of its first official publication); dated 02.01.2021 № 399-VI (effective ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (enforcement, see Art.2)

#### **Article 46. Exclusion of aerial vehicle from the register**

1. Aerial vehicle shall be excluded from the relevant register of aerial vehicles of the Republic of Kazakhstan in cases:

- 1) of retirement or taking out aerial vehicle of service;
- 2) of sale or delivering aerial vehicle to foreign state, foreign individual or legal entity;

3) of registration of civil aerial vehicle in the Register of aerial vehicles of state aviation of the Republic of Kazakhstan or register of foreign states;

4) of registration of civil aerial vehicle in the State register of civil aerial vehicles of the Republic of Kazakhstan;

4-1) absence of a valid airworthiness certificate for more than two years, the calendar period of operation of which exceeds forty years from the aircraft manufacture date, except in cases of encumbrance of property;

5) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

5-1) the aircraft was declared missing;

6) of fulfilling irrevocable power.

The agreement of a pledgeholder shall be required compulsorily for exclusion of aerial vehicle, being in pledge from the State register of civil aerial vehicles of the Republic of Kazakhstan.

2. Upon exclusion of aerial vehicle from the relevant register, the certificate on registration of vessel and all records, made in respect of this vessel in register shall lose force.

3. The authorized organization in the field of civil aviation issues a certificate to the owner of the aircraft on the exclusion of the aircraft from the State Register of Civil Aircraft of the Republic of Kazakhstan.

Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 02.01.2021 № 399-VI (effective ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 47. Admission to operation and to maintenance of airworthiness of aircraft, unmanned aerial systems**

Footnote. The heading of Article 47 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. State aerial vehicle shall be admitted to operation in the manner, established by the authorized body in the scope of civil aviation.

2. A civil aircraft must be airworthy and admitted to operation in the existence of valid airworthiness certificate.

A civil aircraft shall be recognized as airworthy if it is designed, manufactured, equipped, maintained in airworthiness and has undergone maintenance and repair, and also has flight performance qualities in accordance with the requirements of the legislation of the Republic

of Kazakhstan in the use of the airspace of the Republic of Kazakhstan and aviation activities and environmental legislation of the Republic of Kazakhstan.

When flying over the territory of the Republic of Kazakhstan, a foreign aircraft must have a certificate of airworthiness and a noise certificate issued by a foreign state on the basis of the standards of the International Civil Aviation Organization (ICAO).

The certificate of airworthiness is issued to aircraft registered in the State register of civil aircraft of the Republic of Kazakhstan:

1) on the basis of the compliance of the civil aircraft with the airworthiness norms and operating documentation approved for this standard design or other similar documents in accordance with the confirmed assessment report of validity for operation;

2) in accordance with the rules of certification and issuance of the certificate of airworthiness of the civil aircraft of the Republic of Kazakhstan;

3) in accordance with the rules of certification in the field of light and ultra-light aviation.

Airworthiness certification of aircraft is carried out by an authorized organization in the field of civil aviation.

The airworthiness certification of unmanned aerial systems for the relevant categories shall be carried out by an authorized civil aviation organization with involvement of non-profit organizations uniting operators of unmanned aerial systems, in the manner determined by the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

Airworthiness certification of light and ultralight aircraft performing aerial work and flights for general aviation purposes is carried out by an authorized organization in the field of civil aviation with the involvement of non-profit organizations uniting aircraft operators.

Airworthiness certification of an aircraft that does not have an approved type design is carried out by an authorized organization in the field of civil aviation with the involvement of non-profit organizations uniting aircraft operators.

The procedure for attracting non-profit organizations that unite the operators of aircraft and the qualification requirements of specialists of such organizations shall be determined by the rules of certification in the field of light and ultra-light aviation.

2-1. The unmanned aerial system must be airworthy and admitted to operation in accordance with the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

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

4. Recognition of certificates of airworthiness of civil aircraft issued by a foreign state when civil aircrafts are included in the State register of civil aircraft of the Republic of Kazakhstan is carried out in accordance with the rules of certification and issuance of a certificate of airworthiness of a civil aircraft of the Republic of Kazakhstan.

5. Maintenance of airworthiness of a civil aircraft and its components is provided in accordance with the requirements of the rules of technical operation and repair of civil aircraft of the Republic of Kazakhstan.

The release to service of light and ultra-light aviation aircraft not participating in commercial air transportation is carried out in accordance with the rules of certification in the field of light and ultra-light aviation.

The airworthiness of unmanned aerial systems shall be maintained in accordance with the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

6. Responsibility for maintenance of air worthiness of civil aerial vehicles shall be imposed on the air operator of civil aerial vehicle.

The air operator of aerial vehicle shall be prohibited to perform the flights in cases, if:

1) pre-flight inspection (preparation) of the aircraft was not performed in accordance with the civil aviation flights regulations of the Republic of Kazakhstan;

2) safety equipment is defected;

3) the validity period of the airworthiness certificate determined by the authorized organization in the field of civil aviation has expired;

4) maintenance and repair of the aircraft is not performed in accordance with the program for its maintenance.

5) malfunctions and damages that affect safe operation have not been eliminated, taking into account the minimum list of equipment and the list of configuration deviations approved by the authorized civil aviation body;

6) the aircraft is admitted to operation in violation of the requirements for the maintenance and repair of aviation equipment;

7) annual assessment of the effectiveness of the approved maintenance program and reliability program is not performed;

8) the airworthiness directive in relation to the aircraft, its parts and components, including notification of the authorized civil aviation organization regarding flight safety, has not been fulfilled in time;

9) data on the weight and gravity center of the aircraft do not correspond to the current configuration of the aircraft.

7. The owner or operator of an aircraft registered in the State Register of Civil Aircraft of the Republic of Kazakhstan, in accordance with the rules for certification and issuance of a certificate of airworthiness of a civil aircraft of the Republic of Kazakhstan, provides the authorized organization in the field of civil aviation with information on the state of airworthiness, maintenance and aircraft repair, as well as data on its operation.

8. All aircraft registered in the State Register of Civil Aircraft of the Republic of Kazakhstan are subject to verification for continued airworthiness. If an aircraft does not meet

the airworthiness standards, the airworthiness certificate is suspended, and the operation of the aircraft is prohibited by the authorized organization in the field of civil aviation until the non-compliance of the aircraft with the airworthiness standards is eliminated.

If the non-compliance of the aircraft with airworthiness standards is not eliminated within six months from the date of suspension, the airworthiness certificate is revoked.

The aircraft airworthiness assessment includes:

- 1) verification of the operational and technical documentation of the aircraft, registration details on maintaining airworthiness;
- 2) inspection of the aircraft;
- 3) if necessary, flight tests of an aircraft under the control of an authorized organization in the field of civil aviation.

8-1. A permit to perform a special flight (special airworthiness certificate) is issued to an aircraft registered in the State Register of Civil Aircraft of the Republic of Kazakhstan, except for the cases provided for in Article 44 of this Law, and which does not have a valid airworthiness certificate or does not meet the established requirements for issuing an airworthiness certificate, but which, based on the assessment of the operator and the authorized civil aviation organization, is able to perform a safe flight under the conditions specified below and for the following purposes:

- 1) flight tests after production of new aircraft;
- 2) flight tests after technical maintenance and (or) repair in accordance with operational (repair) documentation;
- 3) delivery or export of an aircraft;
- 4) flight of an aircraft for assessment by a customer or an authorized organization in the field of civil aviation;
- 5) exhibitions and airshow;
- 6) flight of an aircraft to the place of performance of technical maintenance, repair or storage;
- 7) flight of an aircraft with a maximum certificated take-off mass for flights outside the safe flight distance above the water or above the ground in the areas that do not have suitable landing conditions or appropriate amount of fuel;
- 8) achievement of records, participation in aviation competitions and similar competitions ;
- 9) the operation of aircraft or aircraft types on the territory of the Republic of Kazakhstan, for which a certificate of airworthiness or other similar document is not required in accordance with the legislation of the Republic of Kazakhstan.

Before issuing a permit for a special flight, the authorized civil aviation organization is obliged to assess the aircraft condition for a safe performance of the flight and establish the necessary restrictions on its operation. When performing a special flight, the carriage of passengers on board the aircraft is prohibited.

9. In the event that radio transmitting equipment is installed on civil aircraft, the authorized organization in the field of civil aviation issues a permit for the use of such equipment in accordance with the rules for certification and issuance of a certificate of airworthiness of a civil aircraft of the Republic of Kazakhstan.

10. Civil aerial vehicles, performing international flights shall be equipped with equipment, satisfying the requirements of International Civil Aviation Organization (ICAO) standards.

11. Flight books shall be maintained on each aerial vehicle, in which data on detected defects of aerial vehicle shall be recorded in the process of operation.

The form and content of the logbook are established by the rules for performance of flights in civil and state aviation.

12. For the export of a civil aircraft subject to exclusion from the State Register of Civil Aircraft of the Republic of Kazakhstan, the authorized civil aviation organization shall issue an export airworthiness certificate in accordance with the rules for certification and issuance of a certificate of airworthiness of a civil aircraft of the Republic of Kazakhstan.

This document is not valid for the purpose of flight operations and serves as confirmation by the exporting State of the positive results of the latest airworthiness inspection of the aircraft.

**Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication). ; dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 48. Maintenance operation and repair of civil aerial vehicles**

1. Technical maintenance and repair of civil aircraft are carried out in accordance with the rules of technical operation and repair of civil aircraft of the Republic of Kazakhstan by the certified organizations for technical maintenance and repair of aviation equipment. Technical maintenance and repair of civil aircraft of light and ultra-light aircraft that do not perform commercial air transportations are carried out by aviation personnel having a valid certificate issued in accordance with Article 54 of this Law or a certificate issued by a foreign state and recognized in accordance with Article 55 of this Law.

2. Maintenance of civil aircraft shall be carried out according to maintenance programs approved by the state of the civil aircraft registration, which are agreed with the state of the operator, if it is not the state of registration.

The maintenance program for an aircraft registered in the State Register of Civil Aircraft of the Republic of Kazakhstan shall be approved by an authorized civil aviation organization.

The maintenance program for light and ultralight aircraft not involved in commercial air transportation shall be developed and approved by a non-profit organization uniting aircraft operators, in agreement with the authorized civil aviation organization.

3. Use of aggregates, component parts and spare parts to them that do not have identifying documents (official lists, passport, marks, documents on admission to operation, authentic duplicates), issued by their producer or certified organization on maintenance operation and repair shall be prohibited upon conduct of maintenance operation and repair of civil aerial vehicles.

4. Certification of organizations for the maintenance and repair of civil aviation equipment shall be carried out by an authorized civil aviation organization in accordance with the certification requirements for organizations for the maintenance and repair of aviation equipment.

The procedure for recognizing the certificates of foreign organizations for technical maintenance and repair of aviation equipment is determined by the rules of certification and issuance of a certificate of organization for technical maintenance and repair of aviation equipment of civil aviation.

5. Certified organizations for the maintenance and repair of aviation equipment of foreign states shall be admitted to work on maintenance and repair after full or partial recognition of their certificates by an authorized civil aviation organization. The procedure for recognizing certificates of foreign organizations for the maintenance and repair of aviation equipment shall be determined by the rules for certification and issuance of a certificate of an organization for maintenance and repair of civil aviation equipment.

6. A certified organization for technical maintenance and repair of aviation equipment that provides services to civil aircraft operators engaged in commercial air transportations in accordance with the standard flight safety management manual for aircraft technical maintenance is required to introduce a flight safety management system, depending on the volume and complexity of the works performed.

**Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 49. Designations, applied on aerial vehicles**

1. During registration, the aerial vehicles shall be assigned by the state and registration identifying markings, which shall be applied on these vehicles.

1-1. During registration of unmanned aerial systems, they are assigned state and registration identification marks, which are applied to unmanned aircraft in accordance with the procedure for applying state, registration identification and additional marks to civil and experimental aircraft.

2. In addition to state and registration identification marks, additional signs (symbols, inscriptions, emblems) may be placed on aircraft.

Additional markings shall be applied on aerial vehicles by the method, not impeding visual identification of the state and registration identifying markings.

3. Procedure for applying the state, registration identifying and additional markings on aerial vehicles and description of the mentioned Laws shall be determined in respect of civil and experimental aerial vehicles by the authorized body in the scope of civil aviation, and in respect of aerial vehicles of the state aviation – by the authorized body in the scope of civil aviation.

**Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 50. Preparation to flight of aerial vehicle**

1. Preparation of aerial vehicle, aviation personnel, aerodromes, helicopter aerodromes shall precede to the flight of aerial vehicle.

2. Rules of preparing to flights shall be established for civil and experimental aviation by the authorized body in the scope of civil aviation, for the state aviation – by the authorized body in the scope of civil aviation.

#### **Article 51. Aerial vehicle lease**

1. Citizens or organization of the Republic of Kazakhstan being the possessors of aerial vehicle, registered in the State register of civil aerial vehicles of the Republic of Kazakhstan shall have the right to lease the vessel with crew team or without crew team to the air operator of the Republic of Kazakhstan or foreign air operator.

An operator of the Republic of Kazakhstan has the right to rent an aircraft with or without crew that belongs to citizens or legal entities of the Republic of Kazakhstan or a foreign country on terms stipulated by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

1-1. Lease by the operator of the Republic of Kazakhstan of an aircraft without a crew, registered in a foreign state, or a foreign operator of an aircraft of the Republic of Kazakhstan without a crew, is carried out only if there is an agreement concluded between the authorized organization in the field of civil aviation and the competent body of the foreign state in which



this aircraft is registered, in accordance with the Convention on International Civil Aviation. Such an agreement must be registered with the International Civil Aviation Organization (ICAO).

1-2. Lease by the operator of the Republic of Kazakhstan of an aircraft with a crew belonging to citizens or legal entities of the Republic of Kazakhstan is carried out for the duration of the contract without entering the lessee into the operator's certificate (certificate for the performance of aviation work).

The lease by the operator of the Republic of Kazakhstan of an aircraft with a crew belonging to an operator of a foreign state is allowed with the permission of an authorized organization in the field of civil aviation in the following proportion (except for the lease of an aircraft with a crew belonging to an operator of a foreign state, used exclusively for the carriage of goods): for the lessee, having a fleet of up to five aircraft - no more than one aircraft and for a lessee with a fleet of more than five aircraft - no more than twenty percent of the total fleet of aircraft used for regular and non-scheduled flights, and for a period not more than two months within one year without entering the lessee into the operator's certificate. The passenger capacity and cargo capacity of the leased aircraft must be comparable to the passenger capacity and cargo capacity of the lessee's aircraft.

In this case, passengers must be notified by the lessee about which carrier is actually operating the flight.

Lease of an aircraft with a crew belonging to an operator of a foreign state, used exclusively for the carriage of goods, is permitted to the operator of the Republic of Kazakhstan within three years from the date of the conclusion of an agreement on the lease of an aircraft with a crew, subject to the following conditions:

- 1) at the time of the commencement of the specified lease term, the operator of the Republic of Kazakhstan has been operating as an air carrier for at least ten years;
- 2) preemptive ownership and effective control over the operator of the cargo aircraft belongs to the Republic of Kazakhstan or its citizens;
- 3) the operator of the Republic of Kazakhstan has not previously leased an aircraft with a crew belonging to an operator of a foreign state, used exclusively for the carriage of goods;
- 4) the total service life of the leased aircraft does not exceed thirty years.

The authorized organization in the field of civil aviation revokes a permit previously issued to the operator of the Republic of Kazakhstan to lease an aircraft with a crew in cases of non-compliance with the requirements for ensuring flight safety, lack of effective operational control by the lessee or lessor, or supervision by the state that issued the operator's certificate and flight certificate. suitability for the leased aircraft.

2. Foreign lessee shall be prohibited to perform the flights on the leased aerial vehicle, registered in the State register of civil aerial vehicles of the Republic of Kazakhstan or its air

operator is the civil aviation organization of the Republic of Kazakhstan, in the zone of military actions, armed conflicts and performance of flights, linked with transportation of weapons, ammunition, military formations.

3. Is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

4. Is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

Footnote. Article 51 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019).

## **Article 52. Freight of aerial vehicle**

1. Freight of aerial vehicle shall be carried out in accordance with the contract of affreightment (charter).

The contract of affreightment (charter) shall include the names of parties, type of aerial vehicle, aim of leasing, maximum amount of transported passengers, weight of luggage, cargo and postal matters, amount of freight, point of departure, time and point of destination of transportation.

Contract of affreightment may include the other conditions as well.

2. Carrier shall have the right to postpone time of beginning of the transportation and taking off time of aerial vehicle without requiring additional payment from the freighter in the landing areas, provided by the plan, to perform additional landings or change the flight route, if it is necessary for safety ensuring of the flight of aerial vehicle.

3. Carrier shall be obliged to transfer all the seat capacity of aerial vehicle without undue delay and keep aerial vehicle in such condition so that it may be used for the purposes, provided by the agreement during the validity of the agreement.

4. Freighter shall have the right to transfer affreight aerial vehicle in sub-charter under agreement of the carrier.

## **Chapter 6. AVIATION PERSONNEL**

### **Article 53. Classification of aviation personnel**

1. Aviation personnel shall be divided into aviation personnel of civil, state and experimental aviation depending on belonging to the types of aviation.

2. Lists of positions of aviation personnel of state aviation shall be established by the order of the authorized body in the field of state aviation.

3. Aviation personnel of civil aviation shall be obliged to comply with the rules of wearing of the uniform and rank badges in the manner, established by the authorized body in the scope of civil aviation.

**Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

**Article 54. Professional training and admission to the types of the activity of aviation personnel of civil aviation**

**Footnote. Title of Article 54 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. Professional training of aviation personnel of civil aviation shall include initial training, re-training and maintenance of professional level.

Initial training and re-training of aviation personnel shall be carried out in aviation training centres.

Maintenance of professional level shall be carried out in aviation training centres and (or) organizations of civil aviation.

The qualification level of aviation personnel is determined by individuals appointed by the authorized organization in the field of civil aviation in accordance with the rules for determining the qualification level of aviation personnel. Such persons must meet the qualification requirements established by the authorized body in the field of civil aviation.

Qualification level of aviation personnel of light and ultra-light aviation is determined by the permanent qualification commissions of non-profit organizations that unite the operators of aircraft in accordance with the rules for determining the level of qualification of aviation personnel.

Aviation security training and retraining of aviation security personnel are carried out in aviation training centers certified by an authorized organization in the field of civil aviation, and (or) training centers of the International Civil Aviation Organization (ICAO) on aviation security in accordance with the aviation security training and retraining program ...

Training and retraining of inspectors of the aviation security service is carried out by an independent training center in accordance with the aviation security training and retraining program.

Aviation security training and retraining of personnel who have unaccompanied access to the secured restricted access area of the airport are conducted at aviation training centers certified by an authorized civil aviation organization and / or the International Civil Aviation Organization (ICAO) aviation security training centers or civil aviation organizations by

aviation security instructors who have received permission to work from an authorized organization in the field of civil aviation, in accordance with the aviation security training and retraining program.

2. Compliance of the services of the civil aviation training center with the certification requirements is confirmed by the authorized organization in the field of civil aviation by issuing a certificate of the civil aviation training center.

Procedure for conducting the certification procedure of aviation training centre of civil aviation shall be established by the Rules of certification procedure and issuance of aviation training centre certification of civil aviation.

Foreign civil aviation training centers are allowed to train and maintain the professional level of civil aviation personnel after their certificates are recognized by an authorized organization in the field of civil aviation in accordance with the rules for certification and issuance of a certificate of a civil aviation training center.

A certified aviation training center for civil aviation, whose activities are related to the performance of aircraft flights, in the course of providing its services in accordance with the standard flight safety management instruction, is obliged to introduce a flight safety management system depending on the volume and complexity of the work performed.

2-1. Aviation personnel should demonstrate the level of theoretical knowledge and practical skills, as well as the knowledge of languages at the level corresponding to the functions performed, in accordance with the standards of the International Civil Aviation Organization (ICAO), through testing or periodic checks conducted by designated individuals qualified to determine the level of qualifications of aviation personnel.

2-2. Simulators used to train, maintain and check the practical skills of crew members of civil aircraft are permitted to be used in accordance with the rules for evaluation of flight simulators in civil aviation approved by the authorized body in the field of civil aviation.

2-3. The instructing and examining personnel of the aviation training center for civil aviation shall be coordinated with the authorized civil aviation organization as determined by the rules for certification and issuance of a certificate of the aviation training center for civil aviation. Qualification requirements for instructing and examining personnel of an aviation training center for civil aviation are established by certification requirements for aviation training centers.

3. Persons related to aviation personnel, in order to pursue professional activities, must undergo professional training in accordance with programs agreed by an authorized civil aviation organization.

Persons directly involved in the performance and provision of aircraft flights and their maintenance, air traffic services shall be admitted to professional activities if they have a valid certificate, valid qualification marks for the right to carry out such activities and (or) a medical certificate of the relevant class.

Issuance and extension of the validity of the certificate of aviation personnel, and also entry of qualification and special marks and extension of their validity shall be carried out in accordance with the procedure for issuing and extending the validity of certificates of aviation personnel, approved by the authorized civil aviation body.

The qualification and special marks are entered into the certificate of aviation personnel of light and ultralight aviation by a non-profit organization uniting aircraft operators in accordance with the procedure for issuing and extending the validity of certificates of aviation personnel.

4. Person, related to aviation personnel shall be admitted to independent professional activity after probation and decision of civil servant, conducted probation on possibility of admission to independent professional activity. Responsibility for justified decision on possibility of admission to independent professional activity of aviation personnel shall be borne by persons, conducted probation.

Responsibility for admission to the independent professional activities of aviation personnel is borne by an individual who has the right to determine the level of qualification of aviation personnel who conducted professional knowledge and skills checks.

5. The issuance of a certificate of aviation personnel to a person for the right to carry out professional activities subject to qualification requirements is carried out by an authorized organization in the field of civil aviation.

Qualification requirements to the person for receipt of aviation personnel certificate shall be determined by the authorized body in the scope of civil aviation.

The authorized body in the field of civil aviation maintains a register of issued certificates of aviation personnel in accordance with this article and certificates of aviation personnel recognized in accordance with article 55 of this Law.

The authorized civil aviation organization shall ensure the issuance of certificates of aviation personnel in such a way that the aviation authorities of foreign states can easily determine the rights granted by the certificates and the validity term of qualification and special marks.

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

6-1. The authorized organization in the field of civil aviation suspends the validity of the certificate of aviation personnel (decision on recognition) from the person who is the owner of the certificate of aviation personnel issued or recognized in accordance with the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation, in the following cases:

- 1) non-compliance of technology of performing the works, having an impact on air worthiness of aerial vehicle;
- 2) insufficient professional training, detected during verifications;

3) a one-time gross violation of the established requirements for maintenance and performance of flights, maintenance of air traffic and technical maintenance;

4) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

5) performance of the activity, linked with aerial vehicle handling, maintenance operation of aerial vehicles, air traffic maintenance under the influence of alcohol, drugs and (or) substance abuse (their analogies).

6-2. The authorized organization in the field of civil aviation revokes the certificate of aviation personnel (decisions on recognition) from the person who is the owner of the certificate of aviation personnel issued or recognized in accordance with the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities, in the following cases:

1) receipt of certificate (decision on recognition) by falsification of documents submitted by it;

2) falsification of records and data, related to performance of official duties, linked with them;

3) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

4) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

5) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

6) under the court decision.

6-3. Procedure and terms for suspension of aviation personnel certificate, as well as its revocation from an applicant (owner), being the individual, related to aviation personnel shall be determined by the Rules of issuance and extension of the validity of aviation personnel certificates.

6-4. Validity of the certificate of aviation personnel (decision on recognition) of the person holding the certificate of aviation personnel issued or recognized in accordance with the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities is terminated in the following cases:

1) loss, theft, damage to the certificate of aviation personnel or in the event of a change of surname, name, patronymic (if it is indicated in the identity document) by its owner;

2) disability (on presentation of data from the place of work);

3) death;

4) Excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication)..

7. The specifics of working time of civil aviation and experimental aviation personnel directly related to flight safety are developed taking into account the standards and recommended practices of the International Civil Aviation Organization (ICAO) and the aviation rules of international organizations in the field of civil aviation and are established by the authorized body in the field of civil aviation for all operators and civil aviation organizations of the Republic of Kazakhstan.

In accordance with the specifics of working time for civil aviation personnel directly related to flight safety, the operator of the civil aviation aircraft has the right to approve the provision on organization of working time and rest for crew members.

Specifics of the working hours of aviation personnel directly related to air traffic maintenance shall be determined by the instruction on the air traffic organization and maintenance.

8. Admission of aviation personnel to performance and maintenance of especially important flights is carried out in agreement with the State Security Service of the Republic of Kazakhstan.

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

10. Persons linked with performance and flight operations of aerial vehicles and their maintenance operation, air traffic maintenance shall be prohibited to carry out such activity under the influence of alcohol, drugs and (or) substance abuse (their analogies) or use substances, inducing such intoxication in the process of performing own obligations.

All license holders who use (used) psychoactive substances shall be identified and released from performing functions that impact flight safety.

Footnote. Article 54 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019) ; dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 54-1. Medical support in the civil aviation**

1. Requirements for medical certification, medical examination in the civil aviation, required from the aviation personnel, also categories of persons subject to mandatory medical certification and medical examination, are established by the rules of medical certification and examination in the civil aviation of the Republic of Kazakhstan, developed on the basis of

standards and recommended practices of the International Civil Aviation Organization (ICAO) and approved by the authorized civil aviation body.

2. Medical certification of the aviation personnel shall be carried out in aviation medical centers by aviation medical experts certified by an authorized civil aviation organization. Medical certification of pilots of light and ultralight aviation may be carried out by an aviation medical expert, the requirements for which are established by the rules for the appointment of aviation medical experts approved by the authorized civil aviation body.

The aviation medical experts shall be held liable for breaching the medical examination requirements.

In case of detected breaching of the certification requirements for aviation medical centers, the authorized civil aviation organization shall:

1) require the holder of the aviation medical center certificate to provide a corrective action plan in accordance with Article 16-3 of this Law and to fulfill it;

2) suspend, in whole or in part, the scope of such a certificate (or permitted types (subtypes) of activities specified in the certificate) of an aviation medical center, if the violations of certification requirements are not eliminated within the time frame of the corrective action plan;

3) revoke the certificate of the aviation medical center, if within one year from the date of suspension of its validity, the violations of certification requirements have not been eliminated.

The validity of an aviation medical center certificate can be fully or partially limited also at the request of its holder in accordance with the rules for certification of aviation medical centers.

In the event of a violation of certification requirements for aviation medical experts, the authorized civil aviation organization shall:

1) fully or partially suspend the scope of such a certificate (or permitted types (subtypes) of activities specified in the certificate) of an aviation medical expert until the violations of certification requirements for aviation medical experts are eliminated for a term of up to three months;

2) revoke the certificate of an aviation medical expert, if within three months from the date of suspension of its validity, the violations of certification requirements have not been eliminated.

Validity of the certificate of an aviation medical expert shall be suspended in the following cases:

1) violation of the requirements of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities in the part of medical examination and certification requirements;

2) an application filed by the holder of the certificate of an aviation medical expert for a term not exceeding three months.



The certificate of an aviation medical expert shall be withdrawn in the following cases:

1) failure to eliminate the discrepancy within three months from the date of suspension of the certificate of an aviation medical expert;

2) an application filed by the holder of the certificate of an aviation medical expert.

The procedure for suspension and revocation of the certificate of an aviation medical expert is determined by the rules for the appointment of aviation medical experts.

The validity of the certificate of an aviation medical expert may be fully or partially limited also at the request of its holder in accordance with the rules for the appointment of aviation medical experts.

In the event of breaching the requirements for medical examination in the civil aviation in relation to an aviation medical expert, the authorized civil aviation organization shall:

1) upon establishing a breach of the requirements for medical examination in the civil aviation, submit materials to the authorized civil aviation body for taking measures in accordance with the Code of the Republic of Kazakhstan on Administrative Infractions;

2) in the event of repeated violation of the requirements for medical examination in the civil aviation, within a year after imposing an administrative penalty, re-submit the materials to the authorized civil aviation body for taking measures in accordance with the Code of the Republic of Kazakhstan on Administrative Infractions and revoke the certificate of an aviation medical expert.

3. When undergoing a medical examination, an applicant for a medical examination is obliged to inform the aviation medical expert about the presence of diseases known to him and posing a danger to flight operations.

In case of non-compliance with the requirements for the state of health, a medical certificate is issued or renewed if the following conditions are met:

1) the expert medical conclusion indicates that the applicant's non-compliance with any of the requirements does not threaten flight safety;

2) the relevant abilities, qualifications and experience of the applicant, as well as the conditions of his work, are duly taken into account;

3) a note is made in the certificate about a special restriction or restrictions.

If it is revealed during the medical examination that a person directly involved in the performance and provision of aircraft flights, air traffic services, concealed information about the presence of diseases known to him and posing a danger to flights, the authorized civil aviation organization shall:

1) transfer the materials to the authorized civil aviation body for taking measures in accordance with the Code of the Republic of Kazakhstan on Administrative Infractions and suspend the certificate of aviation personnel until the violations are eliminated;

2) in case of a repeated violation within a year after imposing an administrative penalty, re-transmit the materials to the authorized civil aviation body for taking measures in

accordance with the Code of the Republic of Kazakhstan on Administrative Infractions and revoke the certificate of aviation personnel.

**Footnote.** The Law is supplemented by Article 54-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 55. Recognition of aviation personnel certificate of foreign state**

1. Aviation personnel certificate issued by foreign states shall be recognized valid in the Republic of Kazakhstan under the condition that requirements in accordance with which such certificates are issued, answer to the standards, established by International Civil aviation Organization (ICAO).

Recognition of a certificate of aviation personnel issued by a foreign state to a citizen of the Republic of Kazakhstan, or a certificate of aviation personnel of a foreign citizen arriving in the Republic of Kazakhstan, shall be carried out by an authorized civil aviation organization with the issuance of the relevant certificate.

2. Procedure and conditions for recognizing the aviation personnel certificates, issued by foreign states shall be established by the authorized body in the scope of civil aviation.

**Footnote.** Article 55 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 56. Crew team of aerial vehicle**

1. Crew team of aerial vehicle are the persons of aviation personnel being charged with fulfillment of particular obligations on handling and maintenance of aerial vehicle on performance of flights in the manner, established by the authorized body in the scope of civil aviation.

Crew team of civil aerial vehicle shall contain air crew and crew team, other than air crew , including the cabin crew.

Person shall hold the office of a pilot, panel operator (flight engineer), navigating officer or flight radio officer, included in air team and crew team, other than air crew, civil aerial vehicle, air operator of the Republic of Kazakhstan, in existence of valid certificate of aviation personnel, issued in accordance with Article 54 of this Law, or aviation personnel certificate, issued by foreign state and recognized in accordance with Article 55 of this Law.

2. Minimal composition of air crew of aerial vehicle shall be determined by its developer depending on the type and designation of aerial vehicle, aims and conditions of operation and shall be stated in the documents on flight operation of aerial vehicle of each type.

3. For the period of undergoing the tests of experimental aerial vehicle, the minimal composition of air crew shall be determined by the developer of aerial vehicle.

4. Flight of aerial vehicle in incomplete composition of the air crew shall not be allowed.

5. Each crew member has the right to refuse to perform a mission for flight because of fear of a successful completion of the flight in cases where:

1) he feels tired or aware that his physical or mental condition does not allow him to perform tasks according to required standards due to illness, injury or in other cases;

2) the level of his preparation does not meet the requirements for safe flight performance.

5-1. Crew members are obliged:

1) to use the provided conditions and facilities for rest and eating, and plan and spend their rest time in such a way as to ensure a full recovery of forces;

2) to fail to exercise the rights conferred by their certificates and relevant qualification marks, being under the influence of any psychoactive substance that may make them unable to exercise these rights in a safe and proper manner;

3) not to carry out any actions related to the risk of using psychoactive substances.

6. Members of cabin crew of civil aerial vehicle of the Republic of Kazakhstan shall be obliged to speak Kazakh language upon the care of passengers.

**Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 57. Commander of aerial vehicle**

1. Commander of aerial vehicle may be a person who completed the relevant training, has the pilot certificate and admission to the right of independent control of aerial vehicle of this type in established manner.

For each individual flight, the aircraft commander is appointed by the aircraft operator or the aircraft owner in the case of general aviation.

1-1. A pilot who is authorized to independently operate an aircraft of a certain type, who is responsible for the safe completion of the flight (flights) in accordance with the mission for commercial aviation flight or a similar document in general aviation is the commander of a civil aviation aircraft.

1-1. Commander of aerial vehicle of civil aviation may be a pilot, who has a valid pilot certificate and admission for independent control of aerial vehicle of particular type and appointed by the air operator or in case of general aviation – by the owner of aerial vehicle to perform the obligations of commander and ensure safety performance of the flight.

2. Commander of aerial vehicle shall ensure compliance with the flight rules and operation of aerial vehicle irrespective of whether he carries out aerial vehicle handling or not, discipline and order on aerial vehicle, rules of conduct on aerial vehicle, as well as take measures on safety ensuring of people being on board, safety of aerial vehicle, cargo and property.

3. Orders of commander of aerial vehicle shall be subject to compulsory fulfillment by all persons, being on board of aerial vehicle.

4. Commander of aerial vehicle shall require unconditional fulfillment of rules, linked with safety ensuring of flight from all persons, being on board of aerial vehicle, as well as give relevant orders within his (her) competence to any person, being on board of aerial vehicle.

5. The commander of an aircraft has the right:

1) make final decision on taking off, flying and landing of aerial vehicle, as well as on termination of the flight and return to the aerodrome or unscheduled landing in case of visible threat to flight operation safety of aerial vehicle for the purpose of prevention of aviation accident. Such decisions may be made with departure from the flight plan, instructions of the relevant air traffic support body (air traffic control body) and as far as possible in accordance with established flight rules;

2) give the orders to persons, being on board of aerial vehicle, and require their fulfillment for the purpose of safety ensuring of the flight of aerial vehicle;

3) to take all necessary measures, including coercive measures, against persons:

creating a direct threat to flight safety by their actions;

violating the rules of conduct on board an aircraft approved by the authorized body in the field of civil aviation, refusing to obey his orders;

4) to draw up an appropriate act on creation of a security threat and (or) violation of the rules of conduct on board an aircraft during flight operations;

5) upon arrival of the aircraft to the nearest airfield, to drop off any crew member or passenger from the aircraft for reasons that affect flight safety and to maintain order of conduct on board the aircraft and hand it over to law enforcement authorities;

6) make decisions on fuel draining in flight, dumping of luggage, cargo and postal matters, if it's necessary for safety ensuring of flight of aerial vehicle and its landing;

7) in the absence of relevant aviation security services, to ensure pre-flight inspection of passengers, hand luggage, baggage and cargo;

8) take other necessary measures on ensuring of safety completion of the flight of aerial vehicle.

6. Commander of aerial vehicle, received information during the flight about people, suffering or suffered disaster shall be obliged to inform about this to the relevant air traffic support body (air traffic control body) and render possible assistance, if this does not constitute a threat to the flight operating safety of this aerial vehicle, passengers and crew team.

7. In the event of an aviation accident, the aircraft commander directs the actions of persons on board the aircraft prior to the transfer of his authority to representatives of search and rescue services.

8. In case of detection of diseased persons being in need of emergency medical treatment, as well as persons who carry infectious diseases or food poisoning, commander of aerial vehicle shall be obliged to inform the airport service of the first landing about this.

9. The aircraft commander is responsible for:

1) the safety of all crew members, passengers and cargo on board the aircraft after the doors are closed;

2) control of the aircraft and its safety from the moment the aircraft is ready for movement to take off until it stops completely at the end of the flight or shutdown of the engine (engines ) that were used as the main power system;

3) compliance with the system of control cards used by flight crews before, during and after all phases of flight, as well as in an emergency situation;

4) information to the operator after completion of the flight about all known or suspected defects on the aircraft;

5) keeping a logbook or drawing up a general declaration.

**Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 58. Executive personnel of aviation organizations responsible for ensuring flight safety**

1. The executive personnel of civil and experimental aviation organizations responsible for ensuring flight safety are: the head of the flight service, the head of the flight safety inspection, the head of airworthiness, the head of maintenance and repair of aviation equipment, the head of the quality control service (with the exception of light and ultralight aviation).

Qualification requirements for executives of civil aviation organizations are established by certification requirements for civil aircraft operators and organizations for the maintenance and repair of aircraft equipment.

2. Personal responsibility for the organization of flight safety shall be assigned to the head of the operator and civil aviation organizations.

A candidate for the position of the head of the operator must have at least 3 years of experience in senior positions in the civil aviation industry (or at least 5 years in senior positions in other industries, subject to subsequent completion of a flight safety course within three months from the date of appointment), which shall be documented in accordance with the Labor Code of the Republic of Kazakhstan.

**Footnote. Article 58 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication)..**

## **Chapter 7. AIR OPERATOR**

### **Article 59. Admission of persons to operation of civil aerial vehicles**

1. Individuals or legal entities of the Republic of Kazakhstan, admitted to the operation of civil aerial vehicles may be:

- 1) air operator, performing commercial airborne transportations, after certification procedure and receipt of the air operator certification;
- 2) air operator, performing the aviation works, after certification procedure and receipt of certificates for performance of aviation works;
- 3) general air operator.

2. Operators engaged in international commercial air transportations and operators of heavy or turbojet general aviation aircraft authorized to perform international flights in accordance with the standard flight safety management instruction for civil aircraft operators are required to introduce a flight safety management system, depending on the volume and complexity of the flights performed.

3. The operator shall bear responsibility for a safe operation of flights and compliance with the requirements of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

**Footnote. Article 59 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 60. Certification procedure of air operators of civil aerial vehicles**

1. To obtain an operator certificate and (or) a certificate for the performance of aviation work, the applicant sends to the authorized organization in the field of civil aviation an application in the established form with documents confirming compliance with certification requirements and certification conditions in accordance with the rules for certification and issuance of a civil aircraft operator certificate and (or) the rules for the operator's admission to aviation work.

To obtain an operator's certificate or a certificate for performing aerial work, the applicant must demonstrate to the authorized organization in the field of civil aviation that he has certified aircraft, trained personnel, documentation, equipment, buildings, structures necessary for the flight, technical operation of aircraft and ensuring the operation of flights, and also carries out compulsory insurance in accordance with the laws of the Republic of Kazakhstan on compulsory types of insurance.

The air operator shall bear responsibility for alarm reporting during flights of his (her) aerial vehicles in uncontrolled air space.

During the initial certification, the applicant shall submit a detailed financial-economic activity plan, including the allocation of financial resources for the professional training of aviation personnel, maintaining the aircraft airworthiness, procurement of equipment, devices, the payroll fund and other expenses for implementation of the planned activities and ensuring flight safety and aviation security. The financial-economic activity plan shall be approved by the owner (participants, shareholders) of a legal entity applying for an air operator certificate. The availability of sufficient financial resources shall be verified by a respective statement from the applicant's bank account for the last three months.

2. The operator is prohibited from violating the operational requirements and limitations established by the operator's certificate and (or) the certificate to perform aviation operations. It is not allowed to find the same aircraft in certificates and (or) certificates to perform aviation works of two or more operators.

Operation of aircraft without a valid certificate of the operator and (or) a certificate to perform aviation works is prohibited.

3. The air operator certification and (or) certificate for performance of aviation works shall not be subject to transferring to the other person.

4. The authorized organization in the field of civil aviation shall suspend the operator's certificate and (or) the certificate for the performance of aviation work in accordance with the provisions of Article 16-3 of this Law, as well as in the following cases:

- 1) non-compliance of the air operator with certification requirements and restrictions;
- 2) non-securing of insurance in accordance with the requirements of the Laws of the Republic of Kazakhstan on compulsory types of insurance;
- 3) detection of violations, having an impact on the flight operating safety, established upon inspection investigations, as well as in the foreign states;
- 4) in case of written application of the air operator.

The procedure for suspension of validity of the air operator certification of civil aerial vehicles and (or) certificate for performing the aviation works shall be determined by the Rules of certification procedure and issuance of the air operator certification of civil aerial vehicles and Rules of permitting the air operator to aviation works respectively.

If the aircraft operator has not eliminated the identified inconsistencies and (or) violations within the prescribed period, the authorized organization in the field of civil aviation revokes the operator's certificate and (or) the certificate for the performance of aviation work.

In case of termination of commercial air transportation by the operator for more than six months, the authorized body in the field of civil aviation shall withdraw the operator's certificate.

4-1. The authorized civil aviation organization shall revoke the air operator's certificate and (or) the certificate for the performance of aviation works in accordance with part two of paragraph 5 of Article 16-3 and paragraph 5-1 of Article 39 of this Law, and also in the following cases:

1) presence of an enforced court ruling in respect of the applicant, prohibiting him to provide this type of service;

2) a written statement from the operator.

The procedure for revocation of a civil aircraft operator certificate and (or) a certificate for the performance of aviation work is established by the rules for certification and issuance of a civil aircraft operator certificate and the rules for admitting an operator to aviation work, respectively.

5. Refusal to issue a certificate for the right to perform flights is carried out upon:

1) detection of inconsistencies provided for in paragraph 7 of Article 16 of this Law;

2) court decision in respect of the applicant which prohibits him to provide this type of service.

Refusal to issue an air operator certificate and (or) a certificate for the performance of aviation work may be appealed according to the procedure established by the laws of the Republic of Kazakhstan.

**Footnote. Article 60 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.06.2020 № 351-VI (effective from 01.07.2021); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 61. The air operators of general aviation**

1. The ground for admission to flights of general aviation operators operating airplanes with a maximum certificated take-off weight of five thousand seven hundred kilograms or less, helicopters with a maximum certificated take-off weight of three thousand one hundred and seventy-five kilograms or less, as well as aircraft and auxiliary devices, is compliance with the following conditions:

1) presence of a valid pilot certificate with the admittance to manage this type of aircraft, vehicle and auxiliary device;

2) presence of a certificate on the state registration of a civil aircraft, a vehicle, an auxiliary device and a valid certificate of airworthiness of a civil aircraft;

3) provision of insurance in accordance with the requirements of the laws of the Republic of Kazakhstan on compulsory types of insurance;

4) conclusion of contracts with aero-clubs or non-commercial organizations, uniting aircraft operators to provide emergency warning services for flights in uncontrolled airspace.

Safety of flights is provided by the aircraft commander (pilot) and the owner of the aircraft, which is an operator of general aviation.

2. General aviation operators operating airplanes with a maximum certificated takeoff weight of more than five thousand seven hundred kilograms and (or) airplanes equipped with



one or more turbojet engines, helicopters with a maximum certificated takeoff weight of more than three thousand one hundred and seventy five kilograms, shall be allowed to fly after issuance by an authorized civil aviation organization of a certificate for the right to perform flights in accordance with the rules for admission to flights of general aviation operators.

3. To obtain a certificate for the right to operate flights, the owner of a civil aircraft sends an application with documents confirming compliance with the requirements established by the Rules for admission to flights of general aviation operators to the authorized organization in the field of civil aviation.

4. For receipt of certificate for the right of performing the flights, the owner of aerial vehicle shall be obliged to dispose certified aerial vehicle, trained aviation personnel, documents, equipment, required for air operation, maintenance operation of aerial vehicle and ensuring of performing the flights, as well as carry out the compulsory insurance.

The air operator (owner) of aerial vehicle shall bear responsibility for alarm reporting during the flights of his (her) aerial vehicles in uncontrolled air space.

5. Certificate for the right of performing the flights shall not be subject to transfer to the other person.

6. The authorized organization in the field of civil aviation shall suspend the validity of the certificate for the right to fly in the following cases:

1) non-compliance of the air operator (owner) of aerial vehicle with requirements and restrictions, established by the Rules of admitting the air operator of general aviation to the flights;

3) detection of violations provided for in Article 16-3 of this Law;

4) a written statement of the operator.

The procedure for suspension and renewal of the validity of the certificate for the right to perform the flights is determined by the rules for admittance of general aviation operators to flights.

7. Refusal to issue a certificate for the right to perform flights is carried out in cases when:

1) the applicant does not comply with the requirements of the rules for admittance to flights of general aviation operators;

2) there is a court decision against the applicant prohibiting him from performing such flights.

Refusal to issue a certificate for the right to perform flights may be appealed according to the procedure established by the laws of the Republic of Kazakhstan.

**Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.06.2020 № 351-VI (effective from 01.07.2021); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 62. Flying club**

1. Flying club shall keep records of concluded agreements with the air operators for rendering of services, provided by the flying club.

Flying club shall have the right to delegate its obligations before the air operator to the other flying club on the basis of agreement, concluded between them and in concurrence with the air operator.

The standard type agreement for rendering of services by the flying club shall be established by the authorized body in the scope of civil aviation.

2. The flying club shall ensure alarm reporting and shall have the right to provide meteorological and aeronautical information, services on continuing airworthiness, maintenance operation and repair of aerial vehicles, professional training of aviation personnel, air traffic maintenance to the air operators, employing its services within zone of responsibility, ensuring of aviation security.

3. Flying club shall not bear responsibility for performance of requirements on the flight operating safety and aviation security in accordance with the agreement, concluded with the air operator.

## **Chapter 8. AERODROMES (HELICOPTER AERODROMES). AIRPORTS**

### **Article 63. Classification of aerodromes (helicopter aerodromes)**

1. Depending on belonging, the aerodromes (helicopter aerodromes) shall be divided into the aerodromes (helicopter aerodromes):

of civil aviation;

of experimental aviation;

of state aviation.

2. Depending on use, size of the flight strip and load bearing capacity of their cover, as well as depending on equipment of aerodromes (helicopter aerodromes), classification of aerodromes (helicopter aerodromes) of civil, experimental and state aviation shall be determined by the means of communication, lighting and radio-technical support of flights by the relevant authorized bodies in the scope of aviation.

3. Depending on the type of the surface of flight strip, the aerodromes (helicopter aerodromes) may be with artificial surface, unsurfaced, snowy, ice and water aerodrome, as well as on floating barges, vessels and other constructions.

### **Article 64. The air operator of aerodrome (helicopter aerodrome), airport of civil aviation**

1. The air operator of aerodrome (helicopter aerodrome) shall be recognized as individual or legal entity of the Republic of Kazakhstan, as well as of foreign state in accordance with

international treaties, ratified by the Republic of Kazakhstan that uses the aerodrome (helicopter aerodrome) on the right of ownership or other legal grounds.

The air operator may be only the legal entity of the Republic of Kazakhstan, as well as of foreign state in accordance with the international treaties, ratified by the Republic of Kazakhstan that uses the airport on the right of ownership or other legal grounds.

Operator of the airdrome (heliport), airport:

1) provides and monitors compliance with the requirements for ensuring the flight safety and aviation security on the territory of the airport, the aerodrome (heliport), including individuals and legal entities operating on the territory of the aerodrome (heliport), airport;

2) establishes a commission to monitor the activities that may pose a threat to flight safety at the aerodrome and in the near-aerodrome territory;

3) keeps the daily plan on receipt and departure of aerial vehicles, ensure its performance, keeps records and analysis of regularity of departures, takes off and landings of aerial vehicles;

4) submits reports on compliance with flight safety, aviation security, audit, accounting reports at the request of an authorized organization in the field of civil aviation;

5) has the right to close the aerodrome (heliport), the airport for receiving and sending civil aircraft in connection with technical and meteorological conditions threatening flight safety;

6) has the right to carry out non-aviation activities, while the costs of such activities should not directly or indirectly affect the tariffs for the regulated services.

1-1. All entities operating at an aerodrome used in the field of civil aviation are obliged to comply with the norms established by the airport operator in accordance with the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

2. Candidate for the chief executive officer of the air operator of airport shall conform to qualification requirements, established by the authorized body in the scope of civil aviation.

3. The operator of a certified aerodrome (heliport), civil aviation airport is obliged to implement a flight safety management system, which must correspond to the volume and complexity of the airport's activities.

4. Civil aviation airports that are in communal ownership, which do not provide an adequate level of income to cover operating costs with a passenger flow of less than two hundred thousand passengers per year, are subject to subsidies from budgetary funds based on decisions of local executive bodies of the regions.

5. The executive of the civil aviation airport operator of the city of republican status, the capital, in charge of especially important flights, shall be appointed in agreement with the State Security Service of the Republic of Kazakhstan. The executive of the civil aviation

airport operator of the city of republican status, the capital, in charge of especially important flights, can only be a citizen of the Republic of Kazakhstan, directly subordinate to the head of the airport operator.

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 65. Airport activities**

1. Airport activities include goods, works, airfield and ground handling services, the list of which shall be approved by the authorized civil (state) aviation body in agreement with the antimonopoly body.

Other types of activities unrelated to airport activities may be carried out on the territory of the airport (aerodrome) by the airport (aerodrome) operator or other individuals and legal entities under an agreement with the airport (aerodrome) operator, concluded in accordance with the rules for access to the provision of services on the territory of the airport (aerodrome) , unrelated to airport activities.

Aerodrome service is recognized as a type of airport activity classified by the legislation of the Republic of Kazakhstan on natural monopolies as regulated services of an airport ( aerodrome) and carried out by an airport (aerodrome) operator.

Ground handling shall be carried out by the airport (aerodrome) operator and (or) the ground handling services provider, also by the airline that independently handles its aircraft, passengers, baggage, freight and mail.

2. If the number of passengers served at the airport is less than two million people per year, the airport operator may allow the ground handling service provider to enter the territory of the airport (aerodrome) in accordance with the rules for ground handling at airports approved by the authorized civil aviation body in agreement with the antimonopoly authority.

If the number of passengers served at the airport is more than two million people per year, the airport (aerodrome) operator is obliged to allow the ground handling service provider providing them on the territory of the airport (aerodrome) to render services included in ground handling.

The procedure and conditions for the provision of ground handling services on the territory of an airport (aerodrome), requirements for ground handling service providers and the form of a standard contract for the provision of ground handling services are determined by the rules for ground handling at airports.

3. The operator of a certified aerodrome (heliport), civil aviation airport shall be obliged to implement a flight safety management system, which must correspond to the volume and complexity of the airport activities carried out.

4. An airport (aerodrome) operator may not baselessly refuse a ground handling service provider or an airline that independently handles its aircraft, passengers, baggage, freight and mail in the provision of ground handling services on the airport (aerodrome) territory.

The decision of an airport (aerodrome) operator to refuse a ground handling service provider or an airline that independently services its aircraft, passengers, baggage, cargo and mail on the territory of an airport (aerodrome) may be appealed in court.

5. An airport (aerodrome) operator and a ground handling service provider shall develop and approve programs for quality control of services included in the airport activities in accordance with the standards and recommended practices of the International Civil Aviation Organization (ICAO) or aviation regulations of international civil aviation organizations.

The airport (aerodrome) operator shall regularly audit the quality of services provided by him and (or) provided by the ground handling service provider to determine whether the services provided comply with the standards and recommended practices of the International Civil Aviation Organization (ICAO) or aviation regulations of international civil aviation organizations. Such audits shall be carried out on a contractual basis between civil aviation organizations.

**Footnote. Article 65 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication) ; as amended by the Law of the Republic of Kazakhstan dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 24.05.2018 № 156-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (effective ten calendar days after the date of its first official publication ); dated 29.12.2022 № 174-VII (for the procedure for putting into effect, see Article 2); dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 65-1. Airport terminal**

1. An airport terminal for handling flights must have ticket offices, check-in counters, check-in, waiting, departure and arrival lounges, sanitary facilities, including those specially equipped for persons with disabilities and people with limited mobility, a mother and child room, information service facilities, a medical station, a guard station, a baggage search point, luggage storage. Requirements for medical stations at airport terminals are established by the rules for providing medical care to civil aviation passengers.

Airports of aviation hubs must have the necessary areas, infrastructure and equipment for servicing transit passengers and their luggage.

2. Airport terminal for handling of international flights shall additionally have the objects and premises in accordance with requirements of the Rules of opening and closing the airports for the international flights operation of aerial vehicles, approved by the authorized body in the scope of civil aviation.

3. In airport terminals, the population shall be provided with reliable information about the flights departure and arrival time, the cost of air tickets and their availability, emergency medical care, location of the book of complaints and suggestions, the operating hours of air ticket offices, location of premises, as well as the list of services provided to the population, in Kazakh and Russian, if necessary also in other languages.

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

Information shall also be provided for persons with disabilities using languages, texts, Braille letters, tactile communication, large print, accessible multimedia.

4. Passages and exits should be accessible for persons with disabilities and people with limited mobility (equipped with ramps, specialized elevators).

5. Airport terminals intended for public service shall be in a good technical condition.

6. Persons operating in airport terminals must comply with the rules for organizing passenger services at airports in the Republic of Kazakhstan, the rules for the transportation of passengers, baggage and cargo by air transport and not allow actions that pose a threat to the safety of an aircraft flight.

7. Airport terminals are the integral part of transportation process and shall be operated in accordance with the requirements of the legislation of the Republic of Kazakhstan.

8. Depending on the class of airport terminal, additional requirements shall be submitted to the quality of service and equipping of airport terminals.

The class of airport terminal and method of determining the class of airport terminal shall be established by the authorized body in the scope of civil aviation.

**Footnote.** Chapter 8 is supplemented by Article 65-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced from 01.01.2014); as amended by the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2021 № 94-VII (shall be enforced ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (comes into force sixty calendar days after the date of its first official publication).

#### **Article 65-2. Accessibility of civil aviation services for persons with disabilities**

For access of persons with disabilities to the civil aviation services, airports must:

- 1) provide places with installed special road signs for parking vehicles of persons with disabilities;
- 2) adapt buildings, access ways to buildings (entrance to the building, stairs), routes inside the building for people with limited mobility, including persons with disabilities;
- 3) avail of a standby wheelchair to serve persons with a disability who have musculoskeletal disorders, and other low-mobility groups of the population;
- 4) equip public toilets with cabins for wheelchair users.

Footnote. Chapter 8 is supplemented by 65-2 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 66. Certification procedure and admission of aerodromes, helicopter aerodromes to operation**

1. Aerodromes (heliports) used by civil aviation, as well as aerodromes of joint use and base, with the exception of uncertified aerodromes (heliports), temporary aerodromes (heliports) and landing sites, must comply with the airworthiness standards for operation of the civil aviation aerodromes (heliports).

Non-certified aerodromes (heliports), temporary aerodromes (heliports) and landing sites used by civil aviation must comply with the airworthiness standards for operation of non-certified aerodromes (heliports), temporary aerodromes (heliports) and landing sites approved by the authorized civil aviation body.

Aerodromes (helicopter aerodromes), used only by the state aviation shall conform to the operational suitability standards of aerodromes (helicopter aerodromes) of the state aviation, approved by the authorized body in the scope of civil aviation.

2. Certification shall apply to airfields (heliports) used by civil aviation, as well as airfields of joint use and base, performing:

- 1) international flights;
- 2) regular passenger flights on any type of aircraft;
- 3) flights, except for those specified in subparagraph 2) of this paragraph, of passenger aircraft with more than twenty passenger seats;
- 4) commercial flights of aircraft with a maximum takeoff weight of more than five thousand seven hundred kilograms;
- 5) nighttime flights of passenger aircraft;
- 6) flights of aircraft carrying passengers to fixed or floating objects (ships, installations) on the open sea.

Aerodromes (heliports) where flights listed in the first part of this paragraph are not performed do not require certification. However, such aerodromes (heliports) may be certified at the request of the aerodrome (heliport) operator.

3. An aerodrome (heliport) to be certified shall be admitted to operation after the aerodrome (heliport) operator receives a certificate of its airworthiness.

Non-certifiable aerodromes (heliports), temporary aerodromes (heliports) and landing sites shall be allowed to operate after notification of the authorized civil aviation organization about their opening and the provision of a certificate of airworthiness confirming compliance of the civil aviation airfields (heliports) with airworthiness standards or airworthiness standards of non-certified airfields (heliports), temporary airfields (heliports) and landing sites

4. Procedure for admission of aerodromes (helicopter aerodromes) of the state aviation to the operation shall be determined by the authorized body in the scope of civil aviation.

5. An uncertified aerodrome (heliport), temporary aerodromes (heliports) and landing sites used in the interests of state aviation shall be allowed to operate in accordance with the airworthiness standards of aerodromes (heliports), aerodrome sections of highways and the tactical and technical requirements for airfields (heliports) of state aviation.

6. Procedure for certification procedure of aerodromes (helicopter aerodromes), used in the scope of civil aviation shall be determined by the Rules of certification procedure and issuance of the air worthiness certification of aerodrome (helicopter aerodrome).

7. Refusal in issuance of the air worthiness certification (helicopter aerodrome) shall be performed in cases, if:

1) an aerodrome (heliport) does not comply with the airworthiness standards for operation of aerodromes (heliports) of civil aviation;

2) the air operator of aerodrome (helicopter aerodrome) does not conform to requirements , established by paragraph 1 of Article 64 of this Law.

8. The authorized organization in the field of civil aviation shall suspend the validity of the airfield (heliport) airworthiness certificate for up to six months in the following cases:

1) non-compliance with the certification requirements by the air operator of aerodrome ( helicopter aerodrome);

2) upon the application of the air operator of aerodrome (helicopter aerodrome).

9. If the operator of the aerodrome (heliport) has not eliminated the identified discrepancies in the grounds for suspension within the prescribed period, the authorized organization in the field of civil aviation shall revoke the airfield (heliport) airworthiness certificate.

10. By agreement with the authorized civil aviation organization, temporary deviations from the airworthiness standards for operation of civil aviation aerodromes (heliports) are allowed, if such deviations are compensated by the introduction of additional measures that ensure a flight safety level equivalent to the established one.

11. Responsibility for ensuring flight safety, compliance with certification requirements throughout the entire validity term of the airworthiness certificate of the aerodrome (heliport)



or the entire term of operation for non-certified aerodromes (heliports) rests with the aerodrome (heliport) operator.

Responsibility for ensuring flight safety, compliance with the airworthiness for operation of a temporary aerodrome (heliport) and landing site throughout the entire operation term rests with the operator or the owner.

**Footnote.** Article 66 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 67. Registration of aerodromes (helicopter aerodromes)**

1. Aerodromes (heliports) used for the civil aviation purposes, except for uncertified aerodromes (heliports), temporary aerodromes (heliports) and landing sites, are subject to registration in the register of aerodromes (heliports) of civil aviation.

Civil aviation organizations, when opening airfields (heliports), send an application to the authorized organization in the field of civil aviation with the attachment:

1) copies of entitling document on the right (of permanent or temporary compensated land use) to the land plot or other object, on which the aerodrome (helicopter aerodrome) is located ;

2) copies of documents, confirming the right of ownership or right of possession to the aerodrome (helicopter aerodrome) (purchase and sale agreement, transfer and acceptance act, order on transfer on the balance, right of ownership, property lease, trust management and etc. );

3) information on technical specifications, geographical coordinates and location (inhabited locality) of aerodrome (helicopter aerodrome).

The closure of aerodromes (heliports) in the authorized organization in the field of civil aviation is carried out at the request of the civil aviation organization.

2. Accounting for aerodromes (heliports) of civil aviation, aerodromes of joint use and joint deployment is carried out by the authorized organization in the field of civil aviation.

3. Non-certified aerodromes (heliports), temporary aerodromes (heliports) and landing sites are subject to accounting by operators in the manner determined by the authorized civil and state aviation bodies.

**Footnote.** Article 67 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the laws of the Republic of Kazakhstan dated 19.04.2019 № 249 -VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 68. Aerodrome service of aerial vehicles**

1. The air operators of aerodromes (helicopter aerodromes), aeronautical, meteorological organizations shall carry out the aerodrome, aeronautical and meteorological flight support of aerial vehicles on aerodromes (helicopter aerodromes), opened for common use, on the equal conditions and on the basis of agreements (public agreements).

2. Aerodromes (heliports), airports may be closed for the reception and dispatch of aircraft during the announced hours of their work only due to technical or meteorological conditions that threaten flight safety, also in the event of emergencies and introduction of a state of emergency.

3. Services to ensure take-off and landing, meeting and release of aircraft and aviation security are carried out free of charge in cases of aircraft flights:

1) suffering or suffered disaster, as well as aerial vehicles, the routes of flights of which were changed due to accident situation on a board, refuse or defect of material part;

2) for conducting search and rescue operations or assistance to the population in case of natural disasters, as well as for providing medical and (or) humanitarian assistance to the population of the Republic of Kazakhstan, confirmed by the state foreign policy body;

3) due to emergency situations, linked with the act of unlawful interference to the aviation activity.

**Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 69. Aerodromes of joint basing and use**

1. Aerodrome of joint basing is the aerodrome, on which civil, state and (or) experimental aviation organizations are jointly based.

2. Aerodrome of joint use is the aerodrome, used jointly by civil, state and (or) experimental aviation.

3. Operation of aerodromes of joint basing and aerodromes of joint use shall be carried out on the basis of agreements in accordance with the Rules of using the aerodromes of joint basing of civil and state aviation of the Republic of Kazakhstan, approved by the authorized body in the scope of civil aviation jointly with the authorized body in the scope of civil aviation.

4. Aerodromes of joint basing and aerodromes of joint use shall relate to the civil or state aviation on accessory. The list of such aerodromes shall be approved by the joint order of the heads of authorized bodies in the scopes of civil and state aviation of the Republic of Kazakhstan.

## **Article 70. Airports for international flight operations of aerial vehicles**

1. Procedure for opening and closing of airports for international flight operation of aerial vehicles shall be determined by the authorized body in the scope of civil aviation.

The procedure for opening and closing airports to ensure international flights of aircraft is determined by the authorized body in the field of civil aviation.

2. Is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

3. Airports, opened for international flights of the state and experimental aerial vehicles of foreign states, as well as international flights of aerial vehicles for transportation of military formations, weaponization and military equipment of foreign states shall be determined by the authorized body in the scope of civil aviation.

Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 71. Construction, reconstruction, liquidation or transfer of airfields and airports or special facilities**

1. Construction and reconstruction projects for an airport, an aerodrome (heliport) to be certified must comprise measures to ensure flight safety, aviation and public safety, environmental protection, as well as the needs of transport infrastructure (roads and other ground means of communication, telecommunications) for servicing of the airport.

1-1. An international airport must have a master plan with detailed stages of the airport infrastructure development and a list of priorities, including a plan for their implementation. The master plan shall be developed by the airport operator based on the economic feasibility studies, traffic forecasts, current and prospective requirements of aircraft operators, and shall also be periodically reviewed with regard to the air traffic volume at the aerodrome.

When drawing up the master plan, it is necessary to consult with the parties involved in the aerodrome operation, specifically with aircraft operators. To assist in the development of an airport master plan, the aircraft operators should provide the airport operator with information on the types, characteristics and numbers of aircraft expected to enter service, the expected increase in the number of aircraft operations and the expected passenger and cargo traffic volume.

2. During construction or reconstruction of an aerodrome, before the full completion of construction or reconstruction of an aerodrome, a temporary admission to the reception and release of aircraft of certain technologically completed facilities is allowed provided that the

aerodrome operator provides an equivalent level of flight safety at the aerodrome. Temporary admission is carried out by the aerodrome operator in agreement with the authorized organization in the field of civil aviation.

3. Liquidation or transfer of aerodromes and airports to another location is carried out at the decision of the owner.

**Footnote. Article 71 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the laws of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 72. Construction within the aerodrome environs**

Designing, construction and development of urban and rural settlements, as well as construction and reconstruction of industrial, agricultural and other facilities within the near-aerodrome territory should be conducted in compliance with flight safety requirements, taking into account possible negative effects of aerodrome equipment and aircraft flights on human health and individual and legal entities, as well as taking into account the requirements of Article 90 of this Law.

**Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 73. Temporary administration of airports**

1. In case of threat to the national security of the Republic of Kazakhstan, expressed in use of the airport, being strategic object, in violation of the interests of the state, life and health of people, the authorized body in the scope of civil aviation shall implement temporary administration in respect of the air operator of airport, admitted to international flights support in coordination with the Government of the Republic of Kazakhstan.

2. Temporary administration of the air operator of airport, admitted to international flights support shall be carried out by temporary administration.

Temporary administration of the air operator of airport, admitted to international flights support shall be carried out at the expense of the air operator of airport.

3. The decision to introduce temporary management may be appealed by the owner, airport operator or a person authorized by the general meeting of shareholders of the operator, in accordance with the procedure established by the laws of the Republic of Kazakhstan.

4. The authorized body in the scope of civil aviation shall establish temporary administration, the composition of which includes representatives of the possessor and the air operator of airport, in respect of which the temporary administration is implemented.

5. For the period of validity of temporary administration of the air operator of airport, admitted to international flight support:

1) full powers on administration of the air operator of airport shall be transferred to temporary administration;

2) the rights of the air operator on administrating the airport shall be suspended;

3) powers of the air traffic control bodies of the air operator of airport and its administrative officers shall be suspended.

6. Temporary administration shall:

1) adopt decisions about all the questions of the activity of the air operator of airport within the competence, determined by this Law;

2) conclude agreements and sign the documents on behalf of the air operator of airport;

3) carry out the representation on behalf and in the interests of the air operator of airport, as well as in the court;

4) involve independent experts for assessment of production issues, linked with operation of the airport.

7. Temporary administration of the air operator of airport shall be terminated on the following grounds:

1) expiration of the term of temporary administration, established by decision of the authorized body in the scope of civil aviation;

2) adoption of decision on advanced completion of temporary administration by the authorized body in the scope of civil aviation;

3) enforcement of the court decision on termination of temporary administration.

8. For the damage, inflicted to the air operator of airport, admitted to performance of international flights by illegal actions (omission) in the period of temporary administration, the members of temporary administration shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (effective from 01.07.2021).**

## **Chapter 9. AIRBORNE TRANSPORTATIONS. AVIATION WORKS**

### **Article 74. The right of carrying out the airborne transportations. Airline carriers**

1. The right to carry out air transportation of passengers, baggage, cargo and postal items for payment or for hire (commercial air transportations) by regular and non-regular flights is available to airlines with a valid operator's certificate.

2. Airline carriers may carry out the other activity in the scope of civil aviation in accordance with this Law.

3. Airline carriers, performing the regular airborne transportations shall be established in the form of joint stock company in the manner, established by the Laws of the Republic of Kazakhstan.

4. Is excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 № 435-V ( shall be enforced from 01.01.2016).

4-1. Excluded by the Law of the Republic of Kazakhstan dated December 26, 2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. Airline carrier shall be obliged to dispose aerial vehicles, including their reserve, financial resources and property for safety operation of aerial vehicles and maintenance of their air worthiness, fund of spare parts to aerial vehicles for organization and operation of flights of aerial vehicles and quality of the rendered services, as well as for organization of training and re-training of aviation personnel in accordance with the certification requirements.

6. Excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication)..

Footnote. Article 74 as amended by the Laws of the Republic of Kazakhstan dated 04.12.2015 № 435-V (shall be enforced from 01.01.2016); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 74-1. Restrictions on foreign participation (control) in an airline established in the form of a joint-stock company**

1. A foreign legal entity, a foreign organization that is not a legal entity, a foreigner and (or) a stateless person is prohibited independently or in conjunction with other foreign legal entities, foreign organizations that are not legal entities, foreigners and (or) stateless persons:

1) directly and (or) indirectly own, use and (or) dispose of the shares of the airline established in the form of a joint-stock company and (or) derivative securities issued in accordance with the legislation of the Republic of Kazakhstan or a foreign state, the underlying asset of which is the shares of the airline , created in the form of a joint-stock company, in an amount exceeding forty-nine and more percent of the total number of placed ( minus the shares of the said airline itself repurchased);

2) exercise effective control over the airline established in the form of a joint-stock company.

2. A shareholder of an airline established in the form of a joint-stock company is obliged to disclose such airline information about himself, as well as about persons exercising effective control over him, to the ultimate owners exercising effective control.

If a shareholder of an airline established in the form of a joint-stock company is a legal entity or a foreign organization that is not a legal entity, which is directly and (or) indirectly owned, used and (or) disposed of by several persons, not affiliated with each other, each of which does not exercise effective control in relation to such a shareholder, such a shareholder is obliged to additionally disclose information to the airline about all cases in which the Republic of Kazakhstan or a citizen of the Republic of Kazakhstan directly and (or) indirectly owns, uses and (or) disposes of shares, participation interests, shares or other forms of equity participation in such a shareholder.

The procedure, terms and other conditions for the disclosure by shareholders of the information specified in this clause are determined in the charter of the airline established in the form of a joint-stock company.

3. An airline established in the form of a joint-stock company is obliged to keep quarterly records of persons, information about whom is subject to disclosure by the shareholders of such an airline in accordance with paragraph 2 of this article.

4. A shareholder of an airline established in the form of a joint-stock company, which has partially or completely failed to provide an airline established in the form of a joint-stock company, information in accordance with the requirements of paragraph 2 of this article:

1) is not taken into account when determining the quorum of the general meeting of shareholders of an airline established in the form of a joint-stock company;

2) is not entitled to take part in voting and (or) discussion of issues considered at the general meeting of shareholders of an airline established in the form of a joint-stock company

5. If the information provided by the shareholder of the airline established in the form of a joint-stock company is unreliable in accordance with the requirements of paragraph 2 of this article, revealed after the decision of the general meeting of shareholders of the airline established in the form of a joint-stock company:

1) if the majority of voting shares voted for such a decision (excluding the voting shares of the shareholder who provided inaccurate information), the decision of the general meeting of shareholders is considered adopted without taking into account the votes of the specified shareholder, subject to the requirements for the presence of a quorum, in which the decision is considered adopted by the general meeting shareholders of an airline established in the form of a joint-stock company, established by the Law of the Republic of Kazakhstan “On Joint-stock Companies”;

2) if the vote of the shareholder who provided inaccurate information was decisive, this circumstance is the basis for invalidating the relevant decision of the general meeting of shareholders at the request of the airline, created in the form of a joint-stock company, or

other interested persons in the manner determined by the legislation of the Republic of Kazakhstan.

6. In case of violation of the restrictions established by paragraph 1 of this article, the violating shareholder:

1) is not entitled to vote with his shares in an airline established in the form of a joint-stock company until the violation committed is completely eliminated;

2) is not entitled to receive dividends on shares of an airline established in the form of a joint-stock company until the violation is completely eliminated;

3) is obliged to eliminate the committed violation within ten working days from the date of receipt of the corresponding request from the board of directors of the airline established in the form of a joint-stock company by reducing the number of shares belonging to him in the airline established in the form of a joint-stock company to a level below the restrictions established by paragraph 1 of this article.

7. The board of directors of an airline established in the form of a joint-stock company identifies the violating shareholder and sends him a request to eliminate the violation of the restrictions established by paragraph 1 of this article, in the manner prescribed by the rules for restricting foreign participation (control) in an airline created in the form of a joint-stock company, and the charter of the airline established as a joint-stock company.

8. If the shares of an airline established in the form of a joint-stock company are in nominal holding, the provisions of this article shall apply to the owner of such shares who is a client of the nominee shareholder.

Note: For the purposes of this article, the following concepts apply:

1) violated shareholder - a shareholder who violated the restrictions established by paragraph 1 of this article, or a shareholder who is under the effective control of a person who has violated the restrictions established by paragraph 1 of this article;

2) effective control - the ability to determine the decisions of a legal entity or a foreign organization that is not a legal entity, arising in the presence of one of the following conditions:

direct and (or) indirect ownership, use and (or) disposal of more than fifty percent of the placed (minus the preferred and redeemed by a legal entity) shares, participatory interests, shares or other forms of equity participation in a legal entity or foreign organization that is not a legal entity;

the ability to directly or indirectly elect at least half of the composition of the management body or executive body of a legal entity or a foreign organization that is not a legal entity;

the ability of one person to independently or jointly with one or more persons directly or indirectly determine the decisions of a legal entity or a foreign organization that is not a legal entity, on the basis of a legislative act of the Republic of Kazakhstan, a court decision, by



virtue of an agreement (supporting documents) or otherwise in cases stipulated by the rules for limiting foreign participation (control) in an airline established in the form of a joint-stock company.

**Footnote.** Chapter 9 is supplemented by Article 74-1 in accordance with the Law of the Republic of Kazakhstan dated December 26, 2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 75. International airborne transportations**

1. General provisions on airborne transportations shall be applied during international airborne transportations on civil aerial vehicles of the Republic of Kazakhstan, unless otherwise arisen from international treaties, ratified by the Republic of Kazakhstan.

2. Appointed air carrier is the carrier, determined by the authorized body in the scope of civil aviation in the manner, established by Article 80 of this Law, for carrying out the regular airborne transportations in accordance with international treaty on air communication, the participant of which is the Republic of Kazakhstan.

3. International airborne transportations of postal matters shall be carried out in compliance with the rules of international treaties, ratified by the Republic of Kazakhstan.

#### **Article 75-1. Facilitation of formalities**

1. In order to facilitate and accelerate air transportations, as well as to prevent unreasonable delays in aircraft, crews, passengers and cargo, the authorized body in the field of civil aviation, in coordination with other state bodies, develops a program aimed at facilitation of formalities related to border, customs, and other types of control.

2. Facilitation measures related to air transportation should not be carried out to the detriment of measures to ensure aviation security and state supervision.

**Footnote.** Chapter 9 is supplemented by 75-1 in accordance with the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 76. General provisions in the scope of space airborne transportations**

1. Commercial air transportations are carried out on the basis of a contract of air transportation. The contract of air transportation is certified by registration of transportation documents issued by the airline or its authorized agents (agents).

Commercial air transportation of passengers, baggage and cargo is carried out in accordance with the Rules for transportation of passengers, baggage and cargo in air transport approved by the authorized body in the field of civil aviation.

2. Each passenger shall be issued by particular ticket that shall confirm:

1) familiarization of passenger with conditions of the airborne transportation agreement;

2) conclusion of the airborne transportation agreement between passenger and airline carrier.

Ticket shall be issued on the basis of data of the document, confirming identity of a passenger.

3. Airline carrier shall be obliged to comply with pull dates of food products, offered during the passenger service on the board of aerial vehicle.

Airline carrier and its civil servants shall bear responsibility for violation of the pull dates of food products, offered during passenger service on the board of aerial vehicle, in accordance with the Laws of the Republic of Kazakhstan.

4. The luggage ticket containing indication of the points of departure and destination shall be issued during the transporting registered luggage.

5. During cargo transportation, a cargo bill indicating the departure and destination points, weight, conditions of cargo transportation is issued. The cargo bill is issued on paper or in electronic form. The sender must provide information and attach all the documents to the cargo bill that are required by the recipient prior to the delivery of the cargo to perform procedures established by the legislation of the Republic of Kazakhstan and foreign countries.

Reception, processing, transfer and storage of cargo bills written out in electronic form are carried out through the information system and information technology used by the airlines.

The relations of carriers, as well as other persons participating in the mixed transportation of goods by different types of transport under a single consignment note (single consignment), are determined by the legislative acts of the Republic of Kazakhstan on transport.

The specifics of the transportation of dangerous goods on civil aircraft are determined by the legislation of the Republic of Kazakhstan, the instructions for the transportation of dangerous goods by air on civil aircraft, approved by the authorized body in the field of civil aviation, as well as international treaties of the Republic of Kazakhstan.

5-1. Consignor and consignee have the right for timely delivery of goods by the air carrier to the destination point specified in the documents for air transportation and to ensure its safety.

In the event of violation of the contract for transportation of cargo, baggage or postal items, the consignor or consignee has the right to demand that the carrier draws up documents on the reasons for non-preservation of cargo, baggage or postal items (commercial act, general act and other documents).

The consignee has the right to refuse to receive the damaged or defective cargo if it is established that the quality of the cargo has changed so much that it cannot be used for its intended purpose and demand compensation for its loss.

5-2. Airline that carries out air transportations:

1) requires passengers and consignors to comply with aviation safety and flight safety regulations, including by organizing and conducting screening;

2) provides passengers (consignors) with a serviceable aircraft of the appropriate type, a qualified flight crew, safety of transportation and other services in accordance with the legislation of the Republic of Kazakhstan;

3) complies with the requirements for servicing passengers, consignors, consignees, established by the rules of transportation of passengers, baggage and cargo in air transport;

4) prepares documents on the reasons for non-preservation of cargo, baggage or mail (commercial act, general act and other documents) at the request of a passenger, consignor or consignee and upon presentation by one of them of shipping documents in case of violation of the contract of transportation of passenger, baggage, cargo or postal items.

6. Airborne transportation agreement of postal matters, its conditions and acceptance of postal matters for carriage shall be certified by the postal waybill.

7. Execution of carriage documents shall be carried out by entering necessary data in electronic or paper form of carriage document in manual, automatic or electronic mode.

Execution of carriage document after booking shall be performed in terms, established by the airline carrier.

8. Basic types of fees, collected by airline carrier and included in the cost of transportation of passenger, luggage, cargo and postal matters are the airport taxes and fuel surcharges.

9. Fuel surcharge is a fee, collected by airline carrier for the purpose of compensation of the cost escalation on aviation fuel in the period of validity of the tariff on carriage, upon calculation of which this escalation was not possible for consideration.

10. Airport tax shall be introduced and collected by the airline carrier for the purpose of compensation of the cost of services for passenger service in the airport.

11. Information service of passengers in airports and on the board of aerial vehicles shall be carried out in Kazakh and Russian languages.

Use of other languages shall be allowed additionally.

At passenger service points, including ticket sales points, the information shall be provided in Kazakh and Russian, and, if necessary, also in other languages.

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

**Footnote. Article 76 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 27.10.2015 № 363-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2021 № 94-VII (shall be enforced ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 76-1. Use of air transport upon emergency situations of social, natural and technogenic nature, imposition of the state of emergency**

Upon occurrence of emergency situations of social, natural and technogenic nature, as well as imposition of the state of emergency, the air transport shall be used for taking the measures on liquidation of emergency situations and their consequences.

Airlines (except for representative offices of foreign countries and international organizations with diplomatic immunity) are obliged, based on the decision of the authorized body in the field of civil aviation, at the requests of law enforcement, special state bodies and the Ministry of Defense of the Republic of Kazakhstan, to provide services for transportation of law enforcement and special state bodies personnel to the places of accidents, emergencies and delivery to medical institutions of citizens who need medical care.

Airline carriers shall be refunded by expenses for rendered services in the cases, provided by this Article, as well as for inflicted harm at the expense of the state budget in the manner, established by civil legislation of the Republic of Kazakhstan.

**Footnote. The Law is supplemented by Article 76-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 77. Rights and obligations of a passenger**

1. A passenger shall have the right to:  
acquire a ticket on any air route, opened for passenger transportations;  
gain a seat according to acquired ticket;  
carry cabin luggage without payment and luggage within established standards;  
for services stipulated by this Law and other laws of the Republic of Kazakhstan, in case of a change in the flight status due to the fault of the carrier or due to the late arrival of the aircraft;

to other rights, provided by the legislation of the Republic of Kazakhstan.

Passengers from among persons with disabilities and people with limited mobility shall additionally have the right to carry with them a stretcher and a wheelchair intended for personal use as baggage free of charge.

2. A passenger shall be obliged to:  
comply with the Rules of transporting passengers, luggage and cargo on aerial vehicle and not to admit the actions, creating threat to the flight operating safety of aerial vehicle;  
not to create obstacles during performance of official duties by aviation personnel;  
incur other obligations in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 77 as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 78. Unilateral termination of the airborne transportation agreement of a passenger**

1. A passenger shall have the right to refuse from the flight and regain the payment for transportation in amount, established by the airborne transportation agreement.

2. Airborne transportation agreement may be terminated upon an initiative of airline carriage unilaterally in cases of:

1) refusal of a passenger from inspection, established by Article 107 of this Law before the flight of aerial vehicle;

2) violation of the Rules of transportation of passengers, luggage and cargos on aerial vehicle by a passenger and (or) commission of actions by a passenger, creating threat to the flight operating safety of aerial vehicle;

3) if a passenger is under the influence of alcohol, drug, and (or) substance abuse that may create a threat to health of the passenger himself (herself) or safety of all the persons and property, being on the board, as well as inconvenience to other passengers;

4) non-fulfillment of the obligations by passengers on the board of aerial vehicle, provided by Article 88 of this Law;

5) entering a passenger's name in the register of persons of the airline whose air transportation is limited, except for the cases provided for in paragraph 6 of Article 78-1 of this Law.

Condition of alcohol, drug, substance abuse of a passenger shall be confirmed by medical certification in the manner, established by the legislation of the Republic of Kazakhstan.

It shall not be allowed to re-terminate the air carriage contract on the initiative of the airline for the passenger's actions, for which the air carriage agreement was already terminated at the initiative of the carrier, and also if the passenger was not included in the register of persons of the airline, whose air carriage is limited in accordance with Article 78-1 of this Law.

3. In the event of termination of the air carriage contract of a passenger, the fee paid for the carriage shall be refunded in the manner prescribed by the air carriage contract, unless otherwise provided by this Law.

Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 78-1. Register of airline persons whose air carriage is restricted**

1. The airline shall not conclude an air carriage agreement with an individual or shall unilaterally terminate the air transportation agreement with a passenger included by this airline in the airline's register of persons whose air carriage is restricted, except for the cases provided for in paragraph 6 of this article.

2. The fact that a passenger has committed actions that may fall under the signs of an administrative infraction provided for in parts 1-2 of Article 441, part five of Article 564 and Article 566 of the Code of the Republic of Kazakhstan on Administrative Infractions, or a criminal offense provided for in paragraph 4) of part two of Article 293 of the Penal Code of the Republic of Kazakhstan, shall be reported to the airline manager or acting manager by the aircraft commander or senior flight attendant in writing.

The aircraft commander or senior flight attendant shall inform the airline manager or acting manager in writing about the fact that a passenger has committed actions on board the aircraft that may fall under the signs of an administrative infraction provided for in Articles 73-1, 73-2 and 434 of the Code of the Republic of Kazakhstan on Administrative Infractions.

3. The decision to include a passenger in the airline's register of persons whose air carriage is restricted shall be made by the airline manager or acting manager on the basis of a decision to impose an administrative penalty that has taken legal force, or a court conviction for committing an offense under paragraph 2 of this article. Such a decision shall be made within at least thirty calendar days from the date of receipt by the airline or posting on the relevant Internet resources of the court ruling or verdict specified in this paragraph.

4. The decision to include a passenger in the airline's register of persons whose air carriage is restricted may be challenged in court in the manner established by the laws of the Republic of Kazakhstan.

5. The airline is obliged to exclude the passenger from the airline's register of persons whose air carriage is restricted after one year from the date of enforcement of the court ruling or verdict specified in paragraph 3 of this article.

In case of cancellation of the court ruling or verdict referred to in paragraph 3 of this article, before the expiration of the deadlines specified in this paragraph, the airline is obliged to exclude the passenger from the airline's register of persons whose air carriage is restricted, no later than one month from the cancellation date.

6. An individual may not be denied conclusion of an air carriage agreement or the air carriage agreement may not be terminated with a passenger included by the airline in the airline's register of persons whose air carriage is restricted, if they return to the Republic of Kazakhstan from the point of departure, the only one method of transport communication with the Republic of Kazakhstan from which is air transportation, or are subject to exclusion from the Republic of Kazakhstan, deportation or readmission (transfer to the Republic of Kazakhstan or acceptance in accordance with international treaties of the Republic of

Kazakhstan on readmission), provided that the only method of transport communication between the Republic of Kazakhstan and the point of departure or destination is air transportation, if they are either going to or from a place of medical treatment, or are accompanying a passenger with a disability to or from a place of treatment, or are going to or from the funeral of a family member or a close relative, as documented, or they were not notified or were notified of their inclusion in the airline's register of persons whose air carriage is restricted in an improper manner in accordance with paragraph 7 of this article.

7. The airline is obliged to notify the passenger (individual) in writing or electronically about his inclusion in the airline register of persons whose air carriage is restricted, as well as about cases in which the passenger (individual) may not be denied the conclusion of an air carriage agreement specified in paragraph 6 of this article.

The notification shall be considered duly delivered in the following cases:

1) sending a text message to a subscriber's cellular number or email address, which the passenger (individual) confirmed in person;

2) notification of the passenger (individual) by a telegram, which is handed to him personally or to one of the adult family members living with him against signature under a receipt on the returnable delivery notification to the sender, by registered mail;

3) sending it by other not prohibited methods ensuring that the delivery of the notification is recorded.

8. The airline may not transfer personal data of a passenger (individual) entered in the airline's register of persons, whose air carriage is restricted, to third parties and shall ensure confidentiality of personal data in accordance with the Law of the Republic of Kazakhstan "On Personal Data and Their Protection".

9. If the airline terminates an air carriage agreement with a passenger included in the airline's register of persons whose air carriage is restricted, the passenger shall be reimbursed the full cost of the purchased ticket (flight leg ticket).

**Footnote. Chapter 9 has been supplemented by Article 78-1 pursuant to the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 79. Air routes**

1. Regular and unscheduled commercial airborne transportations shall be carried out on air routes.

2. Air routes shall be divided into international and internal routes.

International air routes for carrying out of regular commercial airborne transportations shall be determined in accordance with international treaties of the Republic of Kazakhstan.

Airline carriers, conforming to the qualifying requirements, established by the rules of admitting the airline carriers to perform the regular internal commercial airborne

transportations shall be admitted to perform internal regular commercial airborne transportations.

2-1. Non-compliance with the qualification requirements established by the rules for admittance of airlines to performance of regular domestic commercial air transportations is the ground for refusing the airline's admittance to regular domestic commercial air transportations.

If the airline does not comply with the qualification requirements established by the rules for admitting airlines to perform regular domestic commercial air transportation, the previously issued admission is suspended by the authorized organization in the field of civil aviation for up to three months. In case of failure to eliminate the violations that were the basis for the suspension, the previously issued admission is revoked within the time period established by this paragraph.

3. Regular flights on air routes, carried out on the basis of decisions of the Government of the Republic of Kazakhstan or an authorized state body, transportation carried out on the basis of decisions of local executive bodies of regions, cities of republican significance and the capital, which do not provide the level of income required for the effective functioning of the air route, as well as transportation related to priority international air routes is subject to subsidies from budget funds.

**Footnote.** Article 79 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (the order of enforcement see Art. 3).

## **Article 80. Distribution of international and subsidiary air routes for regular airborne transportations**

**Footnote.** Title of Article 80 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Distribution of international air routes between the airlines of the Republic of Kazakhstan, which are subject to restrictions on the number of air carriers or the frequency of flights under intergovernmental agreements, as well as subsidized (except for intra-regional) air routes for regular air transportations is carried out by the authorized body in the field of civil aviation on a competitive basis. The competition for subsidized intra-regional air routes for provision of services for transportation of passengers, baggage, cargo and postal items is carried out by local executive bodies. Winners of the competition receive certificates for the air route.



The competition for international air routes is carried out on air routes, which are subject to restrictions on the number of air carriers or the frequency of flights in accordance with intergovernmental agreements, in the following cases:

- 1) the opening of a new air route;
- 2) distribution of additional frequencies on the existing international air route in accordance with the changes made to the intergovernmental agreement;
- 3) distribution of freed frequencies if the air carrier refuses to operate an international air route.

Airlines that meet qualification requirements established by the rules of competition for international air route and issuance of certificates for air routes for transportation of passengers, baggage, cargo and postal items, as well as the rules for a competition for a subsidized air route and issuance of certificates for air routes for transportation of passengers and baggage, cargo and postal items are permitted to participate in the competition.

2. The authorized body in the field of civil aviation and local executive bodies within the competence recall the certificates for air routes from the airline in case of non-fulfillment of the operating conditions of the air route.

3. Conditions of operating the air route mean:

1) compliance of airline carrier with the schedule that includes the date of beginning of operating the air route, performance of established quantity of regular flights in particular period of time and application of the type aerial vehicles on air route and (or) seat capacity, established by the schedule, with the exception of cases of threatening to the flight operating safety and (or) in consequence of insuperable force;

2) conformance to international treaties on air communication, the participant of which is the Republic of Kazakhstan;

3) existence of irreducible financial means reserve of the airline carrier, required for ensuring of regular airborne transportations, in accordance with established schedule within one month without consideration of expected income.

4. Upon revocation of certificate on international or subsidiary air route of the airline carrier, the certificate shall be issued to other participant of a tender, the tender offer of which is recognized as the best after a winner (winners).

5. For satisfying the need of people in the air communication, the authorized body in the scope of civil aviation shall have the right to issue certificate on international or subsidiary air route to the airline carrier without tendering process on distribution of air routes for operating the air route, need in which is occurred in the period between tenders on distribution of air routes.

Upon distribution of international or subsidiary air route, the need in operation of which is occurred in the period between the tenders, the certificate shall be issued to all the airline carriers, presenting the applications, under condition of conformity of the airline carrier to qualification requirements, provided by the rules of tendering process on international air

route and issuance of certificates on air routes on transportation of passengers, luggage, cargos and postal matters, as well as the rules of tendering process on subsidiary air route and issuance of certificates on air routes on transportation of passengers, luggage, cargos and postal matters.

**Footnote.** Article 80 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).

### **Article 81. Activity of foreign air carriers in the territory of the Republic of Kazakhstan**

1. Foreign air carriers shall carry out their activity in the territory of the Republic of Kazakhstan according to the legislation of the Republic of Kazakhstan and international treaties, the participant of which is the Republic of Kazakhstan.

2. Foreign carriers planning to perform regular passenger flights to the Republic of Kazakhstan (from the Republic of Kazakhstan) are required to pass accreditation in the authorized body in the field of civil aviation.

3. To pass the accreditation, a foreign air carrier is required to submit to the authorized body in the field of civil aviation the documents on the list in accordance with the rules for accreditation of foreign air carriers in the Republic of Kazakhstan, approved by the authorized body in the field of civil aviation, including:

1) permission from the state of registration of a foreign air carrier to perform commercial air transportation;

2) the status of the designated air carrier from the relevant foreign state;

3) the operator's aviation safety program;

4) the transfer of information on the issued and (or) booked tickets in the manner prescribed by the legislation of the Republic of Kazakhstan on transport.

Documents on accreditation shall be examined by the authorized civil aviation body within twenty working days from the date of their receipt.

According to the results of accreditation, the authorized body in the field of civil aviation issues a certificate of accreditation to a foreign air carrier according to the form established by the rules for accreditation of foreign air carriers in the Republic of Kazakhstan, or a reasoned refusal is given.

The grounds for refusal to issue a certificate of accreditation are:

1) failure to provide or incomplete submission of documents on the list in accordance with the rules for accreditation of foreign air carriers in the Republic of Kazakhstan;

2) presence of inaccurate information or information (documents) with expired validity in the documents submitted to the authorized body in the field of civil aviation.

Accreditation procedure is determined by the rules of accreditation of foreign air carriers in the Republic of Kazakhstan, unless otherwise stipulated by an international agreement of the Republic of Kazakhstan.

4. Conditions for granting the right to transport in respect of a foreign air carrier are determined by international air services agreements to which the Republic of Kazakhstan is a party and the legislation of the Republic of Kazakhstan.

5. Foreign air carriers shall be obliged to provide good and safe food to the crew team and passengers in compliance with the terms of implementation in accordance with the legislation of the Republic of Kazakhstan in the scope of population health and public health system.

6. Representatives of foreign air carriers in the territory of the Republic of Kazakhstan shall carry out informative service of passengers in Kazakh language.

Use of other languages shall be allowed additionally.

**Footnote. Article 81 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (effective ten calendar days after the date of its first official publication).**

## **Article 82. Performance of aviation works**

1. Aviation works shall be carried out on the basis of agreement between the air operator of civil aerial vehicle and a customer.

2. The list of aviation works and the requirements for their implementation shall be established by the Rules for performance of flights in the field of civil aviation.

3. Persons who are not employees of the civil aviation organization, but who are involved in performance of aviation works, do not belong to aviation personnel.

4. To perform aerial work using unmanned aerial systems, their operator must obtain permission to perform aerial work from an authorized civil aviation organization pursuant to the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan

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**Footnote. Article 82 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 25.06.2020 № 347-VI (effective ten calendar days after the date of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 82-1. Legal status of a single operator for provision of helicopter services**

1. Activity of a single operator for provision of helicopter services is regulated by this Law and other normative legal acts of the Republic of Kazakhstan.

2. Property of a single operator for provision of helicopter services is formed in accordance with the legislation of the Republic of Kazakhstan.

3. In order to exercise the powers to provide helicopter services, a single operator for provision of helicopter services is entitled to attract and use any sources of financing not prohibited by the legislation of the Republic of Kazakhstan.

4. The powers of a single operator for provision of helicopter services include the provision of helicopter services to state bodies and organizations financed from budgetary funds.

**Footnote. Chapter 9 is supplemented by 82-1 in accordance with the Law of the Republic of Kazakhstan dated 04.12.2015 № 435-V (shall be enforced from 01.01.2016).**

## **Chapter 10. RESPONSIBILITY IN THE SCOPE OF AIRBORNE TRANSPORTATIONS**

### **Article 83. Responsibility of air carrier for inflicting the harm to life and health of a passenger, caused during airborne transportation**

1. Air carrier shall bear responsibility for inflicting the harm to life or health of a passenger upon airborne transportation, established by the Laws of the Republic of Kazakhstan, unless he (she) proves that the harm is occurred due to insuperable force or intention of injured person.

Airborne transportation shall cover the period from the moment of loading a passenger on board of aerial vehicle until the moment, when a passenger abandoned the board of aerial vehicle independently from whether the flight of aerial vehicle is committed or not.

2. Responsibility of air carrier for inflicting the harm to life or health of a passenger, caused during airborne transportation during performance of international flights, shall be determined in accordance with international treaties, ratified by the Republic of Kazakhstan.

### **Article 84. Responsibility of air carrier for loss, deficiency and (or) damage (destruction) of luggage, cargo and things being upon a passenger**

The air carrier shall compensate for loss, deficiency and (or) damage (destruction) of registered luggage, cargo, unless he (she) proves that loss, deficiency or damage (destruction) of cargo or luggage occurred not due to his (her) fault, in the following amount for:

1) loss or deficiency of luggage, cargo, accepted to transportation without declared value – in amount, established by the airborne transportation agreement;

2) loss or deficiency of luggage, accepted to transportation with declared value – in amount of declared value;

3) damage of luggage, cargo – in amount of the sum on which the cost of luggage, cargo is reduced, and in case of impossibility of restoration of damaged cargo or luggage – in amount of its cost.

For loss, deficiency and (or) damage (destruction) of things being upon a passenger, the air carrier shall compensate for harm in amount of the sum, on which the cost of things is reduced, if a passenger proves that the harm is inflicted due to the fault of air carrier.

Responsibility of air carrier for loss, deficiency and (or) damage (destruction) of registered luggage, cargo, things being upon a passenger upon performance of international flights shall be determined in accordance with international treaties, ratified by the Republic of Kazakhstan.

If a loss, deficiency and (or) damage (destruction) of luggage, part of cargo or any subject included to them has an impact on the cost of luggage or cargo inscribed to the same luggage ticket or consignment, the total cost of all this luggage and (or) cargo shall be considered upon establishment of the amount for compensation.

Together with compensation of established harm, occasioned by loss, deficiency or damage (destruction) of cargo or luggage, the air carrier shall return the carriage charge, collected for carriage of lost, deficient, wasted or damaged cargo or luggage to a sender, if this charge is not included to the cost of cargo.

#### **Article 85. Responsibility of the carrier for loss, shortage, damage (harm) and (or) delay in delivery of postal items**

The carrier is liable to the postal operators for loss, shortage, damage (harm) and (or) delay in the delivery of postal items through the fault of the carrier in the amount in which the postal operators are liable to the senders or addressees.

**Footnote. Article 85 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 499-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 86. Responsibility of the carrier to the passenger in the event of a flight status change**

**Footnote. The heading of Article 86 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. If the flight status changes due to the fault of the carrier or due to the late arrival of the aircraft, the carrier is obliged to organize the following services for passengers at the departure and intermediate points:

1) provision (in existence if any) of a room for mothers with children to a passenger with a child under the age of seven years;

2) two phone calls, as well on international communication lines, with the length of no more than five minutes or two messages via electronic mail upon waiting of flight departure more than two hours;

3) ensuring of cold drinks upon waiting of the flight departure more than two hours;

4) ensuring by hot meals upon waiting of the flight departure more than four hours and as follows:

after every six hours – in day time;

after every eight hours – at night time;

5) accommodation in hotel, provided by air carrier, upon waiting of the flight departure more than eight hours – in day time and more than six hours – at night time;

6) delivery by transport, provided by air carrier from the airport to hotel and vice versa in the cases, when the hotel shall be provided without collection of additional payment.

Services, mentioned in this paragraph shall be provided to passengers without collection of additional payment.

When the flight status changes, the carrier, as soon as it becomes aware of such a change, shall inform the passenger via the mobile phone number and e-mail address indicated when booking the ticket, as well as at the airport about:

1) reasons for changing the flight status and new departure time, and (or) a new route;

2) the list of services provided by the carrier in connection with the change in the flight status, if the change is the carrier's fault or due to the late arrival of the aircraft in accordance with part one of this paragraph.

2. When changing the flight status due to the fault of the carrier for more than five hours, the carrier is obliged, at the choice of the passenger:

1) ensure transportation of a passenger by the nearest flight to the point of destination, stated in ticket with provision of services in accordance with paragraph 1 of this Article;

2) return full cost of the ticket to a passenger.

3. For delay in the delivery of a passenger to the destination, the carrier shall pay a fine in the amount of three percent of the cost of the fare (the fare of the flight segment on which the delay occurred) for each hour of delay, unless it proves that the delay was caused by force majeure, apart from compensation for losses, incurred by the passenger, if the latter happened due to such delay.

The fine amount may not exceed the cost of the acquired fare (the fare of the flight segment where the delay occurred).

4. Fine for delay in the delivery of a passenger to the destination shall be paid by the carrier at the request of the passenger through the Internet resource and ticket sales points of the carrier.

5. Carriers who have breached the requirements provided for by this article shall be liable in accordance with the laws of the Republic of Kazakhstan.

**Footnote. Article 86 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 86-1. Action limitation period**

1. Claims against the carrier arising from the carriage may be brought in cases of complete or partial refusal of the carrier to satisfy the claim or non-response from the carrier to the claim after fifteen working days from the date of filing the claim.

2. The action limitation period on the contract of carriage shall be two years.

3. The action limitation period shall be calculated from the day following the occurrence of the event that served as the ground for filing a claim.

**Footnote.** Chapter 10 has been supplemented by Article 86-1 pursuant to the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 87. Compulsory insurance related to civil aviation activities**

Owners (owners) and operators of aircrafts, other objects and civil aviation equipment are obliged to insure their civil liability, including to passengers and aviation personnel, as well as to the cargo owner or consignor in accordance with the requirements of the laws of the Republic of Kazakhstan on insurance.

Insurance in international air transportations is carried out in accordance with international treaties ratified by the Republic of Kazakhstan.

**Footnote.** Article 87 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Chapter 11. ACTIONS OR ACTIVITIES AFFECTING FLIGHT SAFETY**

**Footnote.** The title of chapter 11 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

## **Article 88. Obligations and actions of persons, being on the board of aerial vehicle on safety ensuring of flights**

1. Persons, being on aerial vehicle as passengers shall:

1) perform the requirements of commander of aerial vehicle and other members of crew team unconditionally, as well as actions, mentioned on display boards;

2) place cabin luggage and personal things on the specifically designated locations;

3) fasten safety harnesses of passenger seat upon the order of commander of aerial vehicle or upon initiation of information signs binding to perform the mentioned actions;

4) comply with the discipline and order on the board of aerial vehicle within the whole flight.

2. Persons, being on the board of aerial vehicle, as well as persons to which it belongs, shall be prohibited to interfere to the actions of crew team, require the change of plan and procedure for performing the flight or non-performance of instructions of the air traffic support bodies or air traffic control bodies.

3. Persons who are on board an aircraft as passengers shall be prohibited from:

1) creating situations that threaten flight safety;

2) threatening crew members;

3) is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication);

4) using cellular, trunking communication services at all stages of flight, radio electronic means and high-frequency devices for domestic use during taxiing, climbing, approach to aircraft landing, except for the use of cellular communication and radio electronic means on board an aircraft in an autonomous "airplane" mode.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2015 № 363-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 89. Situations, created by persons on the board of aerial vehicle, threatening to the flight operating safety**

The situations, created by persons on the board of aerial vehicle, threatening the flight operating safety, mentioned in subparagraph 1) of paragraph 3 of Article 88 shall include:

commission of the act of violence on board of aerial vehicle with creation of a threat to life or health of people and safety of aerial vehicle, being in flight;

infliction of damage to aerial vehicle and its equipment ensuring the safety performance of the flight;

purposefully giving false information creating a threat to safety of aerial vehicle in flight;

commission of action, leading to placing device or substance on aerial vehicle that may destruct aerial vehicle or inflict damage to it, threatening its safety in flight;

approaches of opening the doors and (or) emergency exits of aerial vehicle, with the exception of cases of occurrence of emergency situation on board of aerial vehicle;

consumption of tobacco products, products with heated tobacco, hookah tobacco, hookah mixture, tobacco heating systems, electronic consumption systems and liquids for them on board the aircraft.

Footnote. Article 89 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten



calendar days after the day of its first official publication); dated 07.07.2020 № 361-VI (effective ten calendar days after the date of its first official publication).

**Article 90. Activity that may constitute a threat to the flight operating safety**

1. Activities that may pose a threat to flight safety include construction of facilities, installation of power lines and placement of other structures that are obstacles on the pre-aerodrome territory and on the terrain within the airways; works, as a result of which radio wave, visible, acoustic and other types of radiation are produced in the airspace; placement of objects that create conditions for a mass gathering of birds or impair flight visibility, as well as any other activity not directly related to the use of airspace, but affecting the safety of flights, aircraft equipment and people on them.

Such activity may be carried out only with permit, issued in accordance with the Rules of issuing the permits for carrying out of activity that may constitute a threat to the flight operating safety of aerial vehicles.

2. Obtaining of a permit is required for the construction, installation, placement, expansion, reconstruction or technical re-equipment of:

1) of all the objects in the area of aerodrome, the height and location of which are determined in recognition of safety ensuring of flights in the Rules of issuance of permits for carrying out of the activity that may constitute a threat to the flight operating safety of aerial vehicles;

2) communication lines, power transmission lines, as well as other objects of radio wave and visible electromagnetic radiation that can interfere with the normal operation of aviation radio equipment, lighting equipment, cause pilots to be blinded;

3) explosive objects;

4) torches for emergency cut gas burning.

Upon determination of the height of torches, the maximum possible height of ejection of flame shall be considered;

5) industrial, other enterprises and structures, the activity of which may lead to visibility deterioration in the areas of aerodrome (helicopter aerodrome);

6) fur farms, slaughterhouses and other facilities, agricultural activities within a radius of thirteen kilometers from the control point of the airfield. Such activity is possible only if it does not lead to a massive gathering of birds and a threat to flight safety in accordance with the criteria determined by the rules for issuing permits for activities that may pose a threat to aircraft safety.

3. Construction, installation, placement, expansion, reconstruction or technical re-equipment of the facilities specified in paragraph 2 of this article shall be carried out in accordance with permits issued by an authorized civil aviation organization or an authorized state aviation body.

4. It shall be forbidden to place waste sites, leading to a mass gathering of birds and a threat to flight safety at a distance closer than thirteen kilometers from the aerodrome control point.

5. Individuals and legal entities that have committed violations of the rules for carrying out activities that pose a threat to flight safety are obliged to eliminate these violations at their own expense and on their own, and, before their elimination, to stop implementation of such activities.

6. To exclude cases of unintentional entry of aircraft into the area of activity that poses a possible threat to their safety, individuals and legal entities carrying out such activities are obliged, in accordance with the Rules for the Use of the Airspace of the Republic of Kazakhstan, to notify the authorized body in the field of state aviation and the authorized organization in the field of civil aviation on the specified activity.

7. Control and supervision over the implementation of such activities are carried out by the authorized body in the field of state aviation and the authorized organization in the field of civil aviation within their competence and areas of responsibility.

8. Production of all the types of repair, construction and assembly works within the territories of airports may be suspended by the bodies of national security or Safeguard Service of the President of the Republic of Kazakhstan in the period of conducting protection measures.

**Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 91. Marking of objects, constituting a threat of the flight operating safety**

1. To ensure flight safety the owners of buildings and structures are required to place night and day markings and devices on these facilities at their own expense in accordance with the Rules for issuing permits for activities that may pose a threat to the safety of aircraft flights, and the standards of civil aviation aerodromes (heliports) serviceability.

Placement of any other marks and devices, similar to identification marks and devices, accepted for aerodrome identification in the area of aerodrome shall not be allowed.

2. Control over the implementation of marking of objects in the aerodrome area is assigned to the authorized body in the field of state aviation and the authorized organization in the field of civil aviation within their competence and areas of responsibility.

Footnote. Article 91 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII ( shall be enforced sixty calendar days after the date of its first official publication).

## **Chapter 12. AVIATION ACCIDENTS AND INCIDENTS AND THEIR INVESTIGATION**

### **Article 92. Aviation events, accidents and incidents**

Footnote. The heading of Article 92 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. Aviation accident in the state aviation shall be recognized as the occasion, linked with the flight operation of aerial vehicle that lead to death incident (bodily damage with fatal consequence) of people, being on the board of aerial vehicle, and (or) loss of this aerial vehicle.

2. Aviation accident in civil (experimental) aviation shall be recognized as aviation occasion, linked with the use of civil aerial vehicle, with intent to commit a flight which in case of pilot-controlled aerial vehicle takes place from the moment, when any person boarded a vessel with intent to commit the flight until the moment, when all the persons being on board for the purpose of commission of the flight abandoned the aerial vehicle, or in case of unpiloted aerial vehicle takes place from the moment, when aerial vehicle is ready to start the action for the purpose of committing the flight, until the moment of its stoppage in the end of flight and turnoff of the main engine installation and in the course of which:

1) any person receives fatal injury or serious injury to health, as well as moderate damage to health as a result of being in this aircraft, direct contact with any part of the aircraft, including parts that have separated from the aircraft, direct exposure to the gas streams of the jet engine, except in cases where physical injuries are received as a result of natural causes, are self-inflicted or inflicted by other persons or when physical injuries are inflicted by stowaways hiding outside the areas that are normally available to the passengers and crew members;

2) aerial vehicle suffers damage, or destruction of its construction is happened, as a result of which the strength of construction is disrupted, technical or air characteristics of aerial vehicle are deteriorated, the major repair or change of damaged element shall be required, with the exception of cases of:

refusal or damage of engine, when only one engine, its cowl panel or ancillary components are damaged;

damages of only the air propeller, rotor blades, tail rotor blades, non-bearing elements of air frame, fillet fairings, winglet, aerial wire, transducer units, inlet guide vanes, tires, brake gears, facial windscreens, wheels or when landing wheels, landing gear panel are inessentially damaged or when there are small bents or puncture hole in the skin, as well as inessentially

damages, occasioned by hail precipitation or bird collisions (including puncture holes in the aerial fairing of radio detector);

damages of other elements, not violating the general strength of construction;

damages of the elements of lifting and anti-torque propellers, hubs of lifting and anti-torque propeller, transmission gears, damage of fan system or gear case, if these cases do not lead to damages or destructions of bearing member of fuselage (beams), damages of skin of the fuselage (beams) without damage of bearing members;

3) aerial vehicle is missing or occurs in the place, where access to it is absolutely impossible.

3. Aviation incident in the state aviation shall be recognized as occasion, linked with the flight operation of aerial vehicle that might create or created a threat to integrity of aerial vehicle and (or) life of people, being on its board, but not finished as aviation accident.

4. Aviation incident in civil (experimental) aviation shall be recognized as occasion, linked with use of civil aerial vehicle that takes place from the moment when any person boarded a vessel with intent to commit the flight before the moment, when all the people, being on board abandoned the aerial vehicle for the purpose of commission of the flight, and conditioned by deviants from normal functioning of aerial vehicle, crew team, management services and ensuring of the flights, influence of external environment that may have an impact on the flight operating safety, but not finished as aviation accident.

5. An aviation event in state aviation shall mean an event associated with the aircraft flight operation, during which a threat to flight safety, damage or loss of the aircraft and (or) death of people who were on this aircraft happened.

6. An aviation event in civil aviation shall mean an aviation accident or incident, as well as any other event associated with a violation of flight safety, which endangers or, if such an event is not corrected or eliminated, can endanger the safety of the aircraft or people on its board or other persons.

**Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 92-1. System of mandatory and voluntary reporting of aviation events**

1. The purpose of the mandatory and voluntary reporting of aviation events is to improve the level of flight safety in order to prevent aviation events in civil and experimental aviation.

2. Introduction of the system of mandatory and voluntary reporting of aviation events must be based on the fair culture principle.

3. Aviation personnel and other employees of operators and civil and experimental aviation organizations are obliged to notify about aviation events that may pose a significant

risk to the flight safety and which are categorized as aviation events, which are reported through the system of mandatory reporting of data on aviation events.

Categories of aviation events, reported through the system of mandatory reporting of data on aviation events, as well as the list of persons submitting data on aviation events of this category, are established by the rules for reporting data and investigating aviation accidents and incidents in civil and experimental aviation.

4. Aviation personnel and other employees of operators and civil aviation organizations, not included in the list referred to in paragraph 3 of this article, shall report aviation events that are not included in the category of mandatory notification through the system of voluntary reporting of data on aviation events, if they refer to information related to flight safety, also if such information can be perceived as posing an actual or potential threat to flight safety.

5. After receiving the reported data on the aviation event, the operator and the civil and experimental aviation organization shall notify the authorized civil aviation organization and the authorized civil aviation body of the details of the event collected in accordance with paragraphs 3 and 4 of this article within the time:

- 1) no later than twenty-four hours - for aviation accidents;
- 2) no later than seventy-two hours - for other aviation events.

6. To ensure quality, the reported data should contain minimum information, the requirements for which may vary depending on the category of the aviation event, and which are established pursuant to the rules for reporting and investigating aircraft accidents and incidents in civil and experimental aviation.

7. Separate requirements for the system of reporting data on aviation events and the procedure for reporting data are established by the rules for reporting data and investigating aviation accidents and incidents in civil and experimental aviation and standard instructions for managing the safety of flights of civil aircraft operators at airports when servicing air traffic, during technical maintenance of aircraft, aviation training centers for civil aviation, whose activities are related to the performance of aircraft flights in the course of providing services.

8. Operators and civil and experimental aviation organizations shall implement and maintain a system of mandatory and voluntary reporting of data on aviation events by adopting internal rules, and also guidelines for organizing a flight safety management system.

9. Operators and civil and experimental aviation organizations shall store information about aviation events in electronic databases, which must be compatible with the database of aviation events of the authorized civil aviation body and the authorized civil aviation organization.

10. Information reports on aviation accidents that happened to an aircraft with a maximum certificated weight of more than two thousand two hundred and fifty kilograms and (or)

aircraft with a turbojet engine shall be sent to the International Civil Aviation Organization (ICAO).

11. The authorized civil aviation body, together with the authorized civil aviation organization, shall create a mechanism for independent collection, evaluation, processing, analysis and storage of data received in accordance with paragraphs 3, 4 and 5 of this article. The reported data must be processed with the intent to prevent the information from being used for purposes other than to promote and improve aviation safety, and must adequately protect confidentiality of the identity of the reporting person and those mentioned in the accident reports, for the purpose of promoting a fair culture.

12. Categories of aviation events in civil and experimental aviation are determined by the rules for reporting data and investigating aviation accidents and incidents in civil and experimental aviation.

**Footnote. The law is supplemented by Article 92-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 92-2. Confidentiality, appropriate use of information and protection of the source of aviation events information**

1. Aircraft event data in civil and experimental aviation shall be adequately protected and collected in the way ensuring its confidentiality, protecting the personal data of persons indicated in the aircraft event reports, and providing confidence of aviation personnel and other civil and experimental aviation servants in the reliability of the system of mandatory and voluntary reporting of aviation events.

2. Aviation personnel and other civil and experimental aviation employees who report or are mentioned in the reports on aviation events shall not be subjected to disciplinary action and (or) material liability by their employer based on the information they provide.

The requirements of the first part of this item shall not apply in one of the following cases :

1) intentional misconduct;

2) obvious neglect of an apparent risk and non-compliance with official duties that caused predictable harm to human life and health, damage to property or seriously reduced the flight safety level.

3. Operators and organizations of civil and experimental aviation shall not provide or use information about aviation events for:

1) attributing blame or liability to persons reporting or mentioned in aviation event reports ;

2) any other purposes than maintaining or improving flight safety.

4. An employee of the civil and experimental aviation, who is mentioned in the aviation event report and who was obliged to report the same event from the moment he became aware

, who deliberately did not report within the time established by the internal rules of the employer, may be held liable.

5. If disciplinary or administrative proceedings are initiated in accordance with the legislation of the Republic of Kazakhstan, the information contained in the aviation event reports may not be used against the civil and experimental aviation employee who reported the aviation event, or the person mentioned in the aviation event report.

6. Operators and organizations of civil and experimental aviation, after consultation with employees, shall adopt internal rules that establish the procedure for implementing a fair culture. The fair culture must be realized in accordance with the provisions of Articles 92-1 and 92-3 of this Law and this Article, as well as the requirements provided for by the rules for reporting and investigating aviation accidents and incidents in civil and experimental aviation.

7. Access to information about aviation personnel and employees in the civil and experimental aviation who report or are mentioned in reports on aviation events, their personal data can only be allowed to employees of the operator and organizations of civil and experimental aviation directly involved in the collection, evaluation, processing, analysis and storage of reports on aviation events.

8. Personal data of persons reporting or mentioned in reports of aviation events shall not be disclosed or entered into databases and it shall be restricted access information, except when required in the investigation of aviation accidents and incidents.

9. Aviation personnel and other employees in the civil and experimental aviation shall have the right to report violations of the provisions of this article to the authorized civil aviation organization and shall not be held liable for this by the employer.

**Footnote. The law is supplemented by Article 92-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 92-3. Analysis of aviation events and adoption of appropriate (corrective) measures**

1. Operators and organizations of civil and experimental aviation shall develop a procedure for analyzing aviation events in order to identify threats to flight safety associated with identified aviation events.

2. Issuing from the analysis results, the operator and the civil and experimental aviation organization shall determine any appropriate corrective or preventive actions necessary to eliminate actual or potential deficiencies in the flight safety:

- 1) with timely implementation of these actions;
- 2) with establishment of a process for monitoring the implementation and effect of the actions.

3. Operators and organizations of civil and experimental aviation should regularly provide aviation personnel and other employees of civil and experimental aviation with information

on the measures taken based on the analysis results within the framework of the system of mandatory and voluntary reporting of data on aviation events.

4. Operators and organizations of civil and experimental aviation must send the preliminary results of their analyzes to the authorized civil aviation organization and the authorized civil aviation body, as well as the final results, if these results identify the actual or potential risk to flight safety.

5. The authorized civil aviation organization shall monitor the work carried out by operators and civil and experimental aviation organizations in analyzing and taking corrective or preventive actions necessary to eliminate actual or potential deficiencies in the flight safety

**Footnote. The law is supplemented by Article 92-3 pursuant to the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 93. Investigation of aviation accident or incident**

1. Aviation situation or incident with aerial vehicle of the Republic of Kazakhstan or with aerial vehicle of foreign state in the territory of the Republic of Kazakhstan shall be subject to compulsory investigation.

2. Objectives of investigation of an aviation accident or incident are to determine the causes of the event and (or) the contributing factors, develop recommendations for prevention of future accidents and incidents and ensure safety.

Ascertainment of someone's guilt and responsibility is not a purpose for investigation of aviation accident or incident.

In civil and experimental aviation, an investigation of an accident or incident is carried out by a commission established by the authorized body in the field of civil aviation.

Certain types of incidents, the list of which is established by the rules for reporting and investigating aviation accidents and incidents in civil and experimental aviation shall be independently investigated by operators (civil aviation organizations) within the framework of flight safety management systems. Such investigations are carried out by the decision of the authorized civil aviation body in the manner and terms established by the rules for providing data and investigating aviation accidents and incidents in civil and experimental aviation. Upon completion of the investigation, the final report shall be submitted by the operators (civil aviation organizations) to the authorized civil aviation body and the authorized civil aviation organization.

In state-aviation, an investigation of an aviation accident or incident is carried out by a commission in accordance with the rules for investigating aviation accidents and incidents in state aviation of the Republic of Kazakhstan, approved by the authorized body in the field of state aviation.



3. The powers of the commission for the investigation of an aviation accident or incident, as well as the procedure for investigating an aviation accident or incident in civil and experimental aviation, are determined by the rules for submitting data and investigating aviation accidents and incidents in civil and experimental aviation, approved by the authorized civil aviation body.

The powers of the commission to investigate an aviation accident or incident, as well as the procedure for investigation of an aviation accident or incident in state aviation are determined by the rules for investigation of aviation accidents and incidents in state aviation in the Republic of Kazakhstan, approved by the authorized body in the field of state aviation.

When organizing investigations, intervention in the activity of the commission for the investigation of accidents or incidents by physical and (or) legal entities, other state bodies is not allowed, with the exception of cases directly stipulated by the laws of the Republic of Kazakhstan.

The commission for investigation of an aviation accident or incident should be guided by the principles of objectivity and impartiality in the conduct of an investigation. For the purposes of independent investigation, a commission for investigation of an aviation accident or incident is formed taking into account elimination of a conflict of interest.

The Commission for the Investigation of an aviation accident or incident has the right to inspect the scene of the accident, objects and debris related to an aviation accident or incident, involve experts in the work, interview eyewitnesses, appoint studies and tests necessary to establish the causes of an aviation accident or incident and (or) related factors, make recommendations in order to prevent similar aviation accidents. accidents or incidents or reducing their consequences.

4. Aviation accident or incident, happened with foreign aerial vehicle in the territory of the Republic of Kazakhstan shall be subject to investigation by commissions of the authorized bodies in the scopes of aviation or shall be investigated by foreign state of the registration country of aerial vehicle (air operator) by mutual agreement.

5. In the event that an aircraft accident or incident happened on the territory of a foreign state, the authorized civil aviation body shall perform actions in accordance with the standards and recommended practices of the International Civil Aviation Organization (ICAO ) and the rules for reporting and investigating aircraft accidents and incidents in the civil and experimental aviation.

6. During the investigation, information about the aviation event is limited only to actual data. Except for the cases established by the Law of the Republic of Kazakhstan "On Access to Information", the information is not made public, containing:

1) information from individuals or legal entities, state bodies obtained during the investigation;

2) information on correspondence between persons related to the operation of the aircraft;

3) medical data and (or) biometric and (or) personal data relating to persons who are participants in an aviation accident or incident;

4) recording of flight recorders and decoding of such records;

5) recording and decoding of records of air traffic services units or air traffic control;

6) recording of visual situation in the crew cab and any part or decoding of such records;

7) opinions (versions, statements) of the members of the commission or experts involved, or the authorized representatives of the foreign state of registration of the aircraft (operator, developer or manufacturer) in the analysis of information related to the investigation, including recording of flight recorders.

The information specified in this paragraph is included in the final report or is added to it only if it relates to the analysis of an aviation accident or incident. Parts of the records that are not relevant to this analysis are not made public.

7. Individual and legal entities, state bodies are obliged to submit information and (or) documentation relevant to the investigation at the request of the commission on investigation.

8. Investigations of aviation accidents and incidents conducted by the authorized bodies in the field of civil and state aviation are independent from investigations conducted by law enforcement, special and other state bodies of the Republic of Kazakhstan.

**Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 93-1. Investigator-in-charge**

1. An investigator-in-charge is the official of the authorized body in the field of civil aviation who has completed initial training and is entrusted with the organization and conduct of investigations into aviation accidents and incidents in the field of civil aviation as part of a commission for investigation of an aviation accident or incident.

When organizing investigations, it is not permitted to interfere in the activities of the investigator-in-charge by individual and (or) legal entities, other state bodies, except in cases directly provided by the laws of the Republic of Kazakhstan.

2. The investigator-in-charge plans, conducts and coordinates the investigation of an aviation accident or incident and all aspects related to it at the scene and during the investigation.

The investigator-in-charge is responsible for investigation of aviation accidents or incidents in accordance with the legislation of the Republic of Kazakhstan.

3. The investigator-in-charge in performance of his duties has the right:

1) to draw up a plan of interaction with representatives of other state bodies to ensure independence and objectivity of the investigation, as well as to avoid losing or changing the evidence relevant to his investigation;

2) unimpeded access to the place of an aviation event and to all documentation related to the operation of the aircraft, aviation personnel involved in its maintenance and flight support, to conduct an inspection and further inspection of the scene, objects and debris, spare parts and any other facilities that are the cause or could contribute, affect the occurrence of an accident or incident;

3) to coordinate in the search, recovery, extraction, reading of data of onboard recorders or any other media device on board the aircraft, as well as the records of air traffic services units and full control over preservation of the received data. Extracting and reading the recordings of onboard recorders should be made without any delay using the appropriate means in the Republic of Kazakhstan or the means of competent bodies for investigating aviation accidents or incidents of foreign states;

4) to question eyewitnesses, aviation personnel and other persons involved in an aviation accident or incident, appoint the research and tests necessary to determine the causes of the aviation accident or incident and / or the contributing factors;

5) to involve experts in the work, to request their reports related to the investigation of an aviation accident or incident;

6) in agreement with the operator, to be on board a civil aircraft during a flight with the right to be in the crew cab and the cabin of the aircraft.

4. The investigator-in-charge, when investigating aviation accidents or incidents of civil and experimental aviation is obliged:

1) to observe the legislation of the Republic of Kazakhstan;

2) to timely and fully implement the powers granted in accordance with the laws of the Republic of Kazakhstan to investigate aviation accidents or incidents of civil aviation;

3) arrive at the scene of an aviation accident or incident, organize and conduct investigations of aviation accidents or incidents of civil aviation in accordance with this Law, the rules for reporting and investigating aviation accidents and incidents in the civil and experimental aviation and the standards of the International Civil Aviation Organization (ICAO);

4) have a certificate authorizing to organize and conduct work on the investigation of aviation accidents and incidents in civil aviation, in the form established in the rules for conducting the procedure for submitting data and investigating aviation accidents and incidents in the civil and experimental aviation.

5. Civil servants who are investigators-in-charge shall be provided with a monetary allowance established on the basis of a single system of remuneration of employees of the bodies of the Republic of Kazakhstan held at the expense of the state budget.

The monetary allowance includes the monetary maintenance (official salary), extra charges for special working conditions and other premiums and bonuses established by the legislation of the Republic of Kazakhstan.

**Footnote.** Chapter 12 is supplemented by 93-1 in accordance with the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 94. Classification and accounting of aviation accidents or incidents in the state aviation**

1. Classification and accounting of aviation accidents or incidents in the state aviation shall be carried out by the authorized state aviation body.

2. Classification and accounting of aviation accidents or incidents in state aviation shall be determined by the rules for investigating aviation accidents and incidents in state aviation of the Republic of Kazakhstan.

3. To record aviation accidents or incidents in the state aviation, the authorized state aviation body shall form a system for reporting data on aviation accidents or incidents in order to facilitate the collection of information about actual or potential shortcomings in ensuring flight safety.

The procedure for creating this system shall be determined by the rules for investigating aviation accidents and incidents in state aviation of the Republic of Kazakhstan.

**Footnote.** Article 94 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 95. Preservation of material evidence**

An aircraft, its components, on-board and ground objective control devices, all items on the aircraft, as well as the territory and objects on it affected by an aviation accident or incident, all documentation relating to the production, repair and operation of the aircraft and ensuring its flight, shall be preserved by individual and legal entities in full integrity until the arrival of the members of the commission for investigation of this aviation accident or the investigator-in-charge, as well as the authorized representative of a foreign state of registration of the aircraft (operator, developer or manufacturer), if such state has announced its intention to participate in the investigation, except for the cases provided for in Article 101 of this Law.

Preservation of material evidence includes the preservation by photographing or other appropriate means of any physical evidence that can be seized, damaged, lost or destroyed. Protection includes preservation from further damage, penetration of unauthorized persons, theft and spoilage.

*Footnote. Article 95 in the new wording of the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).*

#### **Article 96. Work at the place of aviation accident**

Investigation, conducted at the place of aviation accident shall be related to the category of works in special conditions, equated to the works on liquidation of consequences of natural disasters.

Local executive bodies of regions, cities of republican significance and the capital, districts, cities of regional significance, individuals and legal entities shall be obliged to provide possible assistance of commission on investigation of aviation accident.

#### **Article 97. Financing of works, linked with investigation of aviation accident and procedure for compensation of expenses**

All the works, linked with investigation of aviation accident shall be financed by the air operator.

Researches and tests, linked with investigation of aviation accident, conducted by scientific and research, constructive, repair and industrial organizations shall be financed by these organizations with the following compensation for expenses by the air operator.

### **Chapter 13. SEARCH AND RESCUE OF AERIAL VEHICLES, THEIR PASSENGERS AND CREW TEAM MEMBERS**

#### **Article 98. Organization of search and rescue of aerial vehicles, their passengers and crew team members**

1. Organization of search and rescue of aerial vehicles, suffering or suffered disaster, as well as their passengers and crew team members shall be carried out in accordance with the Rules of organization of search and rescue support of the flights in the territory of the Republic of Kazakhstan, developed in accordance with the International Civil Aviation Organization standards and approved by the Government of the Republic of Kazakhstan.

Rules on organization of search and rescue support of the flights in the territory of the Republic of Kazakhstan shall contain:

- 1) procedure for alarm reporting, scheme of organizing the search and rescue of aerial vehicles, suffering or suffered disaster, as well as their passengers and crew team members;
- 2) requirements to personnel and fitting with all necessary equipment and communication facilities of air traffic support bodies, air traffic control bodies, search and rescue teams, accident rescue services of the state bodies, air operators of aerial vehicles;
- 3) procedure for development, coordination and approval of the plan for conducting the search and rescue operations;

4) distribution of responsibility and organization of measure between all the state bodies, air traffic support bodies, air traffic control bodies, search and rescue teams, accident rescue services of the state bodies, air operators of aerial vehicles and airports that form jointly the search and rescue service in the territory of the Republic of Kazakhstan;

5) procedure for compensation for expenses to organizations of civil aviation upon carrying out of search and rescue operations (works) by them and participation in their ensuring.

1-1. Ensuring of stand-by duty of search and rescue aerial vehicles in civil aviation shall be carried out at the expense of fees for aeronautical maintenance.

2. Works on search and rescue of aerial vehicles of all the states, passengers and crew team members shall be carried out in the territory of the Republic of Kazakhstan at the expense of state budget.

**3. Is excluded by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication).**

4. Local executive bodies of regions, cities of republican significance and the capital, districts, cities of regional significance, organizations shall be obliged to provide any possible assistance in conducting the search and rescue of aerial vehicle and adopt necessary measures on rescuing people before arrival of search and rescue bodies, render medical and other aid to them, as well as protection of aerial vehicle and documentation, equipment and property being on its board.

5. Upon organization and carrying out of aviation search and rescue works, the efforts and means of state bodies (enterprises) shall be engaged and used in accordance with their competence and charter, as well as crew teams of aerial vehicles, being in the district of search and rescue.

6. For rendering necessary aid to aerial vehicle, suffering or suffered disaster, the territory of the Republic of Kazakhstan may allow:

- 1) search and rescue efforts and means of other states;
- 2) owners and air operators of these aerial vehicles;
- 3) powers of the state, in which aerial vehicles are registered, suffering or suffered disaster.

Conditions of such allowance shall be established by the Rules of using air space of the Republic of Kazakhstan and Rules on organizing search and rescue support of flights in the territory of the Republic of Kazakhstan.

**Footnote. Article 98 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced from 01.01.2014); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

**Article 99. Actions of crew team of aerial vehicle, suffering or suffered disaster**

1. The crew of an aircraft that is in distress or suffered a disaster must take measures in accordance with the Rules for organization of search and rescue support for flights in the territory of the Republic of Kazakhstan and other possible measures to save life and health of people and preserve property, including aircraft.

2. Crew team of aerial vehicle, suffered disaster shall be obliged to take all possible measures on rescue and safety ensuring of people, property being on board, preservation of aerial vehicle itself before delegating own powers to the representatives of the authorized body in the scope of civil defence. All the crew team members of aerial vehicle shall be obliged to take participation in rescuing people, property and aerial vehicle.

3. Commander of aerial vehicle, suffering or suffered disaster shall manage the actions of persons, being on board of this vessel, before arrival of representatives of the authorized body in the scope of civil aviation.

**Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 100. Informing on aerial vehicles, suffering or suffered disaster**

1. Air traffic service units, air traffic control, aero-clubs when obtaining information about an aircraft that is in distress or suffered a disaster, as well as any other information about people at risk, are obliged to take all possible measures to provide the necessary assistance in the manner determined by the Rules for organization of search and rescue support for flights on the territory of the Republic of Kazakhstan, and, in accordance with the search and rescue plan, immediately inform the search and rescue teams of state bodies, aircraft operators, as well as notify the authorized bodies in the field of civil and state aviation to organize an investigation of an aviation accident or incident within their competence.

2. Local executive bodies of regions, cities of republican significance and the capital, districts, cities of regional significance, individuals and legal entities shall be obliged to inform immediately the authorized body in the scope of civil defence or the nearest aerodrome about all the cases of disaster of aerial vehicles known to them.

**Footnote, Article 100 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 101. Accident rescue operations**

1. Conduct of search and rescue works on aerodrome and aerodrome environs shall be carried out in accordance with the Rules of search and rescue support of flights in airports of

the Republic of Kazakhstan by efforts and means of possessors or owners of aerodromes at the expense of air operator, the aerial vehicle of which is suffered disaster.

2. If aerial vehicle suffered disaster or its parts impede the movement of railway, motor, water transport or flights of aerial vehicles, the head of rescue works shall be obliged to adopt measures on transfer of aerial vehicle (its parts) for the purpose of recovery of movement of transport means or flights, recording preliminarily their location and overall condition.

#### **Article 102. Termination of search of aerial vehicle, its passengers and crew team**

1. In the cases, when measures adopted for research did not have an effect, the decision on termination of search of aerial vehicle, suffered disaster shall be adopted by a chairman of commission on investigation in coordination with the owner of aerial vehicle and head of research and rescue team.

Decision on termination of searching the aerial vehicle, suffered disaster may be adopted only if there are reasonable grounds to suppose that the further search will not lead to detecting the aerial vehicle by available research and rescue efforts and means and rescuing surviving people.

2. The decision to terminate the search for an aircraft in distress may be appealed by the owner of this aircraft in accordance with the procedure established by the laws of the Republic of Kazakhstan.

3. Aerial vehicle, the search of which is terminated in accordance with this Article shall be considered as missing.

Recognition of crew team members and passengers of missing aerial vehicle as missing or declaring them decedent shall be performed in the manner, established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 102 as amended by the laws of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (effective from 01.07.2021).**

#### **Article 103. Search and rescue of aerial vehicle beyond the boundaries of the territory of the Republic of Kazakhstan**

Search and rescue of aerial vehicles of the Republic of Kazakhstan, suffering or suffered disaster beyond the boundaries of the Republic of Kazakhstan shall be carried out in recognition of requirements of this Law in accordance with the rules of performing search and rescue works of the state, in the territory of which these works are performed, and international treaties, ratified by the Republic of Kazakhstan.

#### **Article 104. Equipping aerial vehicles and training of crew team in the case of disaster**

1. Aerial vehicles shall be equipped by airborne life-saving equipment and emergency locator transmitters for search and rescue, the list of which shall be determined in accordance



with the air worthiness of civil aerial vehicles, depending on the type of aerial vehicle and district of flight, and for aerial vehicles of the state aviation by the authorized body in the scope of civil aviation.

2. All crew team members of aerial vehicle shall be obliged to undergo special training program of search and rescue training and rendering of assistance to passengers upon occurrence of emergency situation on the board of aerial vehicle.

3. Passengers shall be instructed compulsorily by the crew team on the actions in such situation and rules of using individual and airborne life-saving equipment.

Information for passengers shall be provided in Kazakh and Russian languages. Application of visual information shall be allowed.

## **Chapter 14. AVIATION SECURITY**

### **Article 105. Ensuring of aviation security**

1. Operators of aerodromes (heliports), aircraft operators are obliged to take measures to protect civil aviation from acts of unlawful interference in its activities in accordance with the Civil Aviation Security Program of the Republic of Kazakhstan.

The act of unlawful interference in the activities of civil aviation is an act or attempt to commit an act that poses a threat to the security of civil aviation on land and in the air, namely:

illegal seizure of aircraft;

destruction of the aircraft in service;

hostage taking on board an aircraft or at aerodromes;

violent entry to the aircraft, to the airport (aerodrome) or to the location of an air navigation facility or service;

placement of a weapon, a dangerous device or material intended for criminal purposes on board an aircraft or at the airport;

the use of an aircraft in service for the purpose of causing death, serious injury to a person, or significant damage to property or the environment;

the reporting of false information that endangers the safety of an aircraft in flight or on land, the safety of passengers, crew members, ground personnel or the public at the airport or at the location of a civil aviation facility or service.

1-1. Air operators of airports and airline carriers shall have the right to acquisition, storage and use of service weapons and ammunition to them in accordance with the legislation of the Republic of Kazakhstan.

1-2. Civil aviation organizations develop and adopt aviation security programs that provide for measures and procedures for preventing and counteracting acts of unlawful interference developed in accordance with the Civil Aviation Security Program of the Republic of Kazakhstan.

2. Protection of civil aviation from the acts of unlawful interference in its activity shall be ensured by:

1) prevention of access of unauthorized persons and vehicles to the airport controlled zone, including the protected areas of limited access of the airport and on board the aircraft.

The protected zone of limited access is the zones intended for departing commercial aviation passengers from the points of inspection and to the aircraft, as well as the apron, the baggage handling areas, including the service areas of the aircraft, where the checked baggage and cargo, cargo warehouses, mail processing centers, premises for flight catering services and aircraft cleaning are located in the airport's controlled area;

1-1) preventing unauthorized persons from accessing unmanned aerial system when performing aerial work;

2) protection of aerial vehicles on parking points, excluding the possibility of entering of unauthorized persons into aerial vehicles;

2-1) appropriate storage of unmanned aerial system, excluding the possibility of illegal entry to the storage place of an unmanned aircraft and changing the configuration of software and (or) equipment;

3) exclusion of the possibility of illegal carrying of weapons, ammunition, explosive, radioactive, poisonous, flammable and other dangerous substances and items prohibited for carriage on aircraft, including unmanned aerial vehicles;

4) introduction of special measures of precaution upon carriage of weapons and ammunition, ensuring their transportation in luggage in discharged state, in partitions of aerial vehicles isolated from the passengers;

5) special inspections of aircraft, unmanned aerial systems in special cases;

6) equipping aerial vehicles by technical devices, ensuring safety working of the crew teams in flight, as well as excluding the unlawful use of aerial vehicle;

6-1) prevention of illegal entry on-board an aircraft, to the airport or to the location of an air navigation facility and other facilities;

6-2) the necessary security measures in the areas of common access to air terminals and the adjacent territory;

6-3) security measures for important systems of information and communication technologies and data used for the civil aviation purposes;

6-4) equipping unmanned aerial systems with software and hardware that exclude illegal use of unmanned aerial systems;

7) specially developed by the authorized organization in the field of civil aviation and state bodies within their competence in ensuring aviation security by measures to counter unlawful interference in aviation activities, as well as other measures to ensure aviation security.

2-1. If the aircraft has been subjected to an act of unlawful interference, the aircraft commander makes an attempt to land as soon as possible at an acceptable aerodrome

determined by the authorized body in the field of civil aviation in accordance with the Aviation Security Rules, unless the situation on board the aircraft requires otherwise.

3. Aircraft operators shall ensure availability on board the aircraft of an extract from the Instruction to the civil aircraft crews on actions in emergency situations, approved by the authorized civil aviation body.

3-1. It is prohibited for an unauthorized person to illegally enter on board an aircraft during arrival, departure and during parking.

3-2. It shall be prohibited to transfer an unmanned aerial system to an unauthorized person, except for the cases provided for by the rules for the use of unmanned aerial systems in the airspace of the Republic of Kazakhstan.

4. Control and supervision over the observance of laws, rules and procedures that ensure the protection of civil aviation of the Republic of Kazakhstan from acts of unlawful interference is carried out by an authorized organization in the field of civil aviation together with other state bodies in accordance with their competence.

The deputy head of the authorized organization in the field of civil aviation, vested with official powers in the field of protection of civil aviation of the Republic of Kazakhstan from acts of unlawful interference, is appointed in agreement with the National Security Committee of the Republic of Kazakhstan.

The National Security Committee of the Republic of Kazakhstan has the right not to explain the established reason for the refusal to approve the appointed person.

4-1. The authorized civil aviation organization shall annually adopt a program to ensure ongoing supervision of aviation security, which is understood as a set of measures aimed at conducting inspections and tests in civil aviation organizations for compliance with the requirements of the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities in the part of ensuring aviation security.

5. Conduct of control and supervision of the quality of aviation security measures, mentioned in paragraph 2 of this Article shall be carried out by:

1) selective inspections with a frequency of no more than once a year and unscheduled inspections of airfield (heliport) operators, civil aircraft operators of the Republic of Kazakhstan, unmanned aerial systems performing aviation work, civil aircraft operators of foreign states performing regular flights to airports of the Republic of Kazakhstan;

2) official experiments, conducted by the bodies of national security;

3) internal verifications on aviation security by the air operators of aerodromes (helicopter aerodromes) and civil aerial vehicles;

4) certification of the aviation security service of the airport;

5) conduct of selecting the specialists, carrying out control and supervision of the quality of aviation security measures;

6) conduct of analysis of the aviation security state, including detecting defects and adoption of measures on their elimination;

7) testing of the aviation security system;

8) Excluded by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

6. Verifications of air operators of aerodromes (helicopter aerodromes) and civil aerial vehicles shall be conducted for determination of their ability to ensure protection of people, aerial vehicles, objects of civil aviation, radio navigation facilities, equipment, located in the controlled area of airport, from the acts of unlawful interference.

7. Selective inspections are conducted taking into account the assessment of threats and traffic volume through the airport or by operators of civil aircraft, as well as the previously identified violations in the field of aviation security.

8. Requirements on conduct of official experiment:

1) official experiment shall imitate the act of unlawful interference, able to violate continual activity of civil aviation organizations and check the quality of ensuring aviation security of the air operators of aerodromes (helicopter aerodromes) and civil aerial vehicles;

2) conduct of official experiment shall not impose a threat to lives of people and safety of aerial vehicles, aviation equipment and other objects, being in the controlled area of airport;

3) official experiment shall not inflict material harm to the air operators of aerodromes (helicopter aerodromes) and civil aerial vehicles, other individuals and legal entities and shall not influence on continual activity of the civil aviation organizations;

4) official experiment shall be carried out under permanent control of representatives of the bodies of national security, head of experiment and head of the aviation security service of the air operators of aerodromes (helicopter aerodromes) and civil aerial vehicles;

5) exclude the application of force and other methods of avoidance of detention and performance of requirements of the representatives of aviation security service or state bodies, participating in official experiment by participants of experiment.

9. Operators of airports, aerodromes (heliports) and civil aircraft take internal measures to control the quality of aviation security, which include internal audits, inspections, surveys, and reliability checks. The measures are taken by the internal auditor (expert) of quality control on the basis of the internal quality control program for aviation security, developed in accordance with the Rules for conduct of quality control for compliance with aviation security

10. Tests of the aviation security system shall be carried out by an authorized civil aviation organization in accordance with the Rules for conducting quality control over compliance with aviation security.

Footnote. Article 105 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019

№ 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 106. Aviation security services**

1. An airport and airline performing regular air transportations, as well as air navigation service providers, should have in their structure an aviation security service, equipped with the necessary technical means and personnel, to protect civil aviation from the acts of unlawful interference.

Air operator performing the aviation works and unscheduled airborne transportations shall have responsible person on aviation security in its structure.

1-1. Employees of aviation security service of airports and airline carriers shall have the right to application, storage and bearing of service weapons and ammunition to it in accordance with the legislation of the Republic of Kazakhstan.

2. The head of the aviation security service of an airport, an airline performing regular air carriages, as well as an air navigation service provider may be a citizen of the Republic of Kazakhstan, directly subordinate, respectively, to the chief executive of the airport, an airline performing regular air carriages, also an air navigation service provider, and his deputy appointed in agreement with the National Security Committee of the Republic of Kazakhstan, who has undergone appropriate training and is admitted to work in accordance with the aviation security training and retraining program.

Heads of the aviation security service of airlines carrying out transportation of the President of the Republic of Kazakhstan and other protected persons are appointed in agreement with the State Security Service of the Republic of Kazakhstan.

Responsible person on aviation security of the air operator, performing the unscheduled airborne transportations and aviation works may be only the citizen of the Republic of Kazakhstan, immediately subordinated to the chief executive officer of air operator, appointed in coordination with the bodies of national security.

3. Personal responsibility for ensuring aviation security shall be imposed on:

1) the first head of the organization, which is the airport operator, and his deputy - the head of the aviation security service of the airport;

2) the first head and his deputy - the head of the aviation security service of the airline performing regular air transportations;

3) chief executive officer and responsible person on aviation security of the air operator of aerial vehicles, performing the unscheduled airborne transportations and (or) aviation works;

4) owner of aerial vehicle, related to the air operators of general aviation;

5) the first head of the body and the head of the aviation security service of the air navigation service provider;

6) an operator of unmanned aerial systems.

4. The activities of the aviation security services of civil aviation organizations are carried out in cooperation with the authorized organization in the field of civil aviation, national security bodies, law enforcement and other state bodies of the Republic of Kazakhstan in accordance with their competence.

5. The aviation security service shall not admit the persons, having record of conviction that is not removed from official records or not expunged in the manner, established by the Law as for the date of acceptance for employment.

**Footnote. Article 106 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 10.05.2017 № 64-VI ( shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 107. Inspection**

1. For the purpose of safety ensuring of passengers and crew team members of aerial vehicle, the aerial vehicle, its onboard resources and food, crew team members, passengers, luggage, cabin luggage, including the things, being upon passengers, as well as cargos and postal matters shall be subject to compulsory pre- flight inspection.

2. Pre-flight screening of passengers, baggage, hand luggage, including things carried by passengers, crew members, persons from the civil aviation personnel, onboard supplies and aircraft food, cargo and postal items and all persons visiting the controlled area of the airport , is carried out by inspectors of the aviation security service, who have undergone appropriate training under the programs and received admission to work in an authorized organization in the field of civil aviation in accordance with the aviation security training and retraining program.

Air operators of aerial vehicles shall answer for conducting pre-flight inspection of own aerial vehicles.

Inspection in flight shall be performed by crew team member appointed by commander of aerial vehicle.

Special inspection of aerial vehicle in airports shall be carried out by the personnel of aviation security service of airport with engagement of crew team members (maintenance personnel) and state bodies in accordance with their competence.

3. At a non-certified aerodrome (heliport), temporary aerodrome (heliport) and a landing site that do not have aviation security service, pre-flight inspection shall be performed by the aircraft crew.

4. Proposal for passenger to present possibly available dangerous substances and subjects, established by the list of hazardous substances and subjects, as well as all the types of drugs, prohibited for passengers to carriage on civil aerial vehicles shall precede the inspection of cabin luggage, luggage and personal inspection of passengers.

Verification of documents, certifying identity of a passenger shall be conducted upon inspection with carriage documents.

Passengers, evading from inspection of cabin luggage, luggage and personal inspection shall not be allowed for transportation.

Responsibility for organizing the inspection shall be borne by the heads of airports and heads of aviation security service.

5. On aerial vehicle, from the moment of closing all its doors after loading and until the moment of opening any of these doors for unloading, inspection may be performed independently from the agreement of a passenger.

6. During the inspection, technical means shall be used, the requirements for which are established by the authorized civil aviation body.

In a capacity of additional measures on ensuring of aviation security, the selective personal inspection of passengers and inspection of their cabin luggage and luggage may be performed by hand.

Personal inspection of passengers and inspection of their cabin luggage and luggage by hand shall be carried out within the ambits, required for detecting the substances and subjects, prohibited for carriage on aerial vehicle, in accordance with the Rules of aviation security.

For the purpose of detecting tools or subjects of committing administrative infraction, the personal inspection shall be performed by civil servants, listed in the Code of the Republic of Kazakhstan "On administrative infractions".

For the purpose of detecting all available substances and subjects prohibited for carriage on civil aerial vehicles by passengers and crew team members, personal inspection shall be performed by the specialists of aviation security service of airport.

Personal inspection shall be performed only by persons of the same gender with the inspected passenger in the special designated premises in airports, satisfying the requirements of sanitary and epidemiological rules and regulations.

Personal inspection of several passengers shall be prohibited in one premise simultaneously.

Results of personal inspection shall be drawn up by the act, signed by a person, adopted decision on performance of inspection, by a person performing the inspection, and a passenger.

7. If upon inspection of cabin luggage, luggage and personal inspection of a passenger, the substances and subjects, prohibited to carriage on civil aerial vehicles were not detected,

the civil servants of airport and airline carriers, as well as other persons, performing inspection shall be obliged to adopt necessary measures, ensuring departure of a passenger by the flight, on which he (she) have a ticket, or by the next flight.

In case of refusal of a passenger from the flight or from continuation of the flight by the reason of delay with departure, occasioned by inspection, the airline carrier shall compensate the cost of ticket or its unused part at his (her) request in the manner, provided by the Rules of transportation of passengers, luggage and cargos on air transport.

8. Inspection shall be carried out in respect of each person and his baggage carried on an aircraft, except for the officials on a special list approved by the Government of the Republic of Kazakhstan.

9. Procedure and conditions for performance of inspection in controlled area of airport shall be determined by the Rules of aviation security.

10. Depending on the level of threat established in accordance with the legislation of the Republic of Kazakhstan on countering terrorism, the passengers and persons visiting terminals, the things, held by them, including hand luggage and baggage, are subject to inspection in accordance with the Civil Aviation Security Program of the Republic of Kazakhstan.

**Footnote. Article 107 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.19.2019 № 249-VI (shall be enforced from 01.08.2019); dated 24.11.2021 № 75-VII (effective ten calendar days after the date of its first official publication ); dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 108. Certificate of crew team member**

Presenting certificate of crew team member by the persons of aviation personnel during fulfillment of official duties by them shall grant them the right of priority undergoing the inspection in airports. Certificate of crew team member is a pass to the controlled area of airports.

Issuance of the crew member's certificate to the flight crew, cabin crew, technical support staff providing technical support for flights, and personnel ensuring the safety of the aircraft in flight, after coordination with the national security bodies is carried out in accordance with the Rules for issuance of a crew member's certificate to the flight personnel, cabin crew, technical support staff providing technical support for flights, and personnel ensuring the safety of the aircraft in flight, approved by the authorized body in the field of civil aviation.

**Footnote. Article 108 as amended by the Law of the Republic of Kazakhstan dated 10.05.2017 № 64-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).**



## **Chapter 15. FINAL AND TRANSITIONAL PROVISIONS**

### **Article 109. Responsibility for violation of the legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and aviation activity**

Violation of the legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and aviation activity shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan.

### **Article 110. Transitional provisions**

1. Airline carriers, created before enforcement of this Law shall be obliged to introduce the relevant amendments in their constitutive documents within one year from the date of enforcement of this Law.

2. In case of non-fulfillment of requirement of paragraph 1 of this Article by airline carriers, the authorized body in the scope of civil aviation shall revoke the air operator certification of civil aerial vehicles no later than three months from the date of expiration of the term, established by paragraph 1 of this Article.

### **Article 111. Order of enforcement of this Law**

1. This Law enters into force upon expiry of ten calendar days after its first official publication, with the exception of the items from two to six of paragraph 3 of Article 16, that enter into force upon expiry of six months after its first official publication.

2. Shall be deemed to have lost force from the date of enforcement of this Law:

1) Law of the Republic of Kazakhstan dated 20 December 1995 “On use of air space and aviation activity of the Republic of Kazakhstan” (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1995, № 23, Article 148; Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 23, Article 321; № 24, Article 338; 2002, № 15, Article 147; 2003, № 10, Article 54; 2004, № 23, Article 142; 2005, № 7-8, Article 23; 2006, № 24, Article 148; 2007, № 2, Article 18; № 8, Article 52; № 9, Article 67; № 18, Article 143; № 20, Article 152; 2009, № 18, Article 84; 2010, № 5, Article 23);

2) Law of the Republic of Kazakhstan dated 15 December 2001 “On state regulation of civil aviation” (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 23, Article 320; 2004, № 23, Article 142; 2005, № 7-8, Article 23; 2006, № 24, Article 148; 2007, № 2, Article 18; № 9, Article 67; № 18, Article 143; 2009, № 18, Article 84; 2010, № 5, Article 23 ).

**The President**

**of the Republic of Kazakhstan**

**N. Nazarbayev**

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