



On post

Unofficial translation

The Law of the Republic of Kazakhstan dated 9 April 2016 № 498-V.

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This Law provides a legal framework and principles for regulating social relations in the postal sector of the Republic of Kazakhstan, specifies rights and obligations of subjects of postal activities, competence of state bodies in the postal sector.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions used in this Law

Basic definitions used in this Law are as follows:

1) subscriber mailbox - a special box for receiving certain types of postal items, installed at the production facilities of postal operators for use by addressees;

2) mailbox - a special cluster box unit installed in buildings, at residences (in apartment buildings), separate houses for collecting postal items by addressees;

3) addressee (recipient) - a postal service user, to whom a postal item or postal money order is addressed;

3-1) special postal service - type of courier postal service, provided by the structural unit of the National postal operator and ensuring the receipt, processing, security, transportation and delivery (hand over) of postal, special and other items, containing any secret protected by law, and valuables, including precious metals, precious stones and products, made of them;

4) name stamp - a device for imprinting the name of a postal operator, its production unit and also other information, specified by the postal operator, on documents and postal items;

5) packet – an unregistered or registered postal item containing periodicals, business papers, documents and other things, the size, weight and method of packaging of which shall comply with the rules for postal services' provision;

6) hybrid mail - an e-mail (message), which a postal operator receives to mail and deliver to the addressee in the form of a letter (postcard), or a letter (postcard), which a postal operator receives to mail and deliver to the addressee in the form of an e-mail (message) to an email box or electronic mailbox;

7) the service of mailing a hybrid item - the activity of a postal operator for receiving, processing, delivering and (or) handing a hybrid mail item;

8) the Universal Postal Union - an international organization consisting of member countries, whose territories form a single postal territory for mutual exchange of international postal items, whose goals are to ensure the organization and improvement of postal

communications and creation of favorable conditions in this area for the development of international cooperation;

9) the Universal Postal Union Acts- documents adopted at the Congress of the Universal Postal Union in accordance with its Charter;

10) written correspondence - unregistered and registered letters, postcards, packets and small packages;

11) distribution of periodicals by subscription – a service, which a postal operator provides pursuant to a contract concluded with a mass media owner or his/her representative for making arrangements for subscribing to a periodical, through an Internet resource as well, and for receiving, processing, transporting and delivering a periodical to the user of postal operator services;

12) international business reply mail - a postal item mailed in accordance with the Universal Postal Union Acts with return postage prepaid by the sender;

13) express mail services - expedited processing, transportation, delivery and (or) handing of postal items;

14) sender - a postal service user, who hands a postal item or money to a postal operator for its transfer;

15) parcel - a registered postal item containing things, items and goods, the size, weight and packaging of which shall comply with the rules for postal services' provision;

16) courier - a postal operator's employee or an individual, contracted by a postal operator, receiving a registered postal item from the sender outside a postal facility and delivering it to the addressee or sender at the address indicated on the postal item;

17) courier services - services provided by a courier for receiving, transporting and delivering registered postal items;

18) transaction day – duty hours, during which a postal operator provides postal services;

19) production unit - a building, space in a building designed and equipped so as to carry out postal activities by a postal operator;

20) mail - a kind of communication ensuring postal operators' provision of a set of services and performance of other activities in the Republic of Kazakhstan in accordance with the Universal Postal Union Acts and this Law;

21) universal postal services - services that are part of universal communication services provided to any postal service user in any inhabited locality within a specified period of time, of appropriate quality and with fixed level of charges, which ensures these services' availability;

22) postal services - an activity of postal operators for the transfer of registered and unregistered postal items, postal money orders, hybrid mail items, distribution of periodicals, sales of indicia and philatelic products;

23) postal devices - technical means, equipment and technologies used to provide postal services;

- 24) letterbox - a box of the uniform color, shape and size for collection of unregistered letters and postcards;
- 25) post office network - a set of production units and postal routes used by a postal operator for providing postal services;
- 26) postal items - written correspondence, parcels, which a postal operator accepts for transfer;
- 27) delivery of a postal item - transfer of a postal item from production units of the point of destination to a post office box or mailbox or to another address indicated by the sender;
- 28) mail transfer - a set of operations for receiving, processing, transporting and (or) transferring, delivering and (or) handing a postal item;
- 29) reception of a postal item – postal operator’s registration of a postal item received from the sender, and also collected from letterboxes, for further transportation;
- 30) mail handling - production operations with postal items, ensuring their preparation for transportation;
- 31) delivery of a postal item – hand delivery of a postal item either to the addressee or to his/her legal representative, or attorney acting on the basis of a power of attorney;
- 32) transportation of a postal item - movement (transportation) of a postal item from the point of departure to production units of the point of destination for delivery and (or) handing to the addressee;
- 33) postal code - a conditional numerical and alphabetic address designation assigned to real estate items for their administrative territorial identification and systematization in order to expedite the transfer of a postal item or a postal money order;
- 34) postcard - an unregistered or registered postal item with a message written on a special standard form;
- 35) postal activities - provision of postal services through post office networks;
- 36) subjects of postal activities - postal operators and postal service users;
- 37) postal operator - a natural or legal person providing postal services, who is registered in the Republic of Kazakhstan;
- 38) postal service user - a natural or legal person, who is a consumer of services provided by a postal operator, including those on the basis of contracts concluded with a postal operator;
- 39) the authorized body in the postal sector (hereinafter referred to as the authorized body) - a central executive body of the Republic of Kazakhstan, implementing, within its competence, state policy, state control, coordination and regulation of activities in the postal sector in the Republic of Kazakhstan;
- 40) indicia – markings denoting postage payment applied by a postal operator on written correspondence, including postage stamps, blocks, stamped envelopes and (or) postcards, postage meter impressions, electronic and other markings;

41) state indicia - postage stamps, blocks, stamped envelopes and (or) postcards, postage meter impressions, electronic and other markings put into circulation by the authorized body, which confirm payment for the services of the National Postal Operator;

42) postmark - a device for applying imprints to documents and postal items showing the name of a production unit that accepted custody of a postal item, the point of dispatch, the date and time of accepting custody of a postal item, the name of a production unit that received a postal item, point of destination, date and time of receipt, name of a production unit that delivered and/or handed a postal item to the addressee, the date and time of delivery and (or) handing;

43) postal money order - a postal service provided by a postal operator fulfilling the sender's order to transmit money to the addressee in accordance with this Law and the Universal Postal Union Acts, requiring the filling of a postal item form, approved by the authorized body;

44) secrecy of correspondence - information on the postal address, personal data of postal service users, postal items, their content and location;

45) postal address (hereinafter referred to as the address) - a place defined by a postal service user for the delivery and (or) handing of postal items and money orders;

46) automated parcel terminal - an automated device intended for receiving, sending, storing, delivering (handing) and collecting postal items, except for postal money orders;

47) postman - an employee, who is in labor relations with a postal operator, receiving a postal item from the sender, and also delivering and (or) handing a postal item to the addressee or sender;

48) identification - the procedure for comparing the submitted information with information about an individual, necessary for the provision of services;

49) designated operator - a postal operator appointed by the authorized body to ensure the provision of postal services and fulfillment of obligations related to them, arising from the Universal Postal Union Acts, throughout the Republic of Kazakhstan;

50) rate - the amount of payment for services of a postal operator;

51) registered postal item - written correspondence, a parcel, accepted with the issuance of a confirming document to the sender on paper or in electronic form with the assignment of a postal item registration number (identification alphanumeric barcode) and handed to the addressee of the postal item against signature or otherwise using automated (electronic) devices, equipment, information systems confirming such delivery;

52) unregistered postal item - written correspondence received through letterboxes or production units without issuing receipts to senders (without assigning a postal registration number, identification alphanumeric barcode) and delivered to the addressee without receipt;

53) national post office network - the postal network of the National Postal Operator throughout the Republic of Kazakhstan, through which postal operators provide services to users of their services;

54) National postal operator - a postal operator, designated by the authorized postal body, created in the organizational and legal form of a joint-stock company, which is entrusted with the obligations provided for by this Law;

55) collect on delivery (COD) postal item - a postal item, the value of which (fixed by the sender) shall be paid on delivery by the addressee to a postal operator for transferring it to the sender's address as instructed by the sender;

56) philatelic products - state indicia, which are collectibles, removed from postal circulation in accordance with the rules of issuance, sale of state indicia and philatelic products;

57) franking machine - a device designed to apply imprints to written correspondence to confirm payment for postal services, to indicate the date of receipt of written correspondence and other information;

58) international reply coupon - a document that is introduced into circulation by the Universal Postal Union and is exchangeable for postage in any member country of the Universal Postal Union, which is the minimum postage on an ordinary international letter weighing up to twenty grams and sent by air;

59) international postal exchange office – a production unit for processing incoming and outgoing international postal items, and also for the customs control of the said items by state revenue authorities;

60) international postal item - a postal item received for the dispatch from the Republic of Kazakhstan, the one coming in the Republic of Kazakhstan or being in transit in the Republic of Kazakhstan;

61) letter - an unregistered and registered postal item sent with a written message and other small items, the size, weight and packaging of which are stipulated in accordance with the rules for postal services' provision;

62) domestic postal item – a postal item received for the dispatch within the Republic of Kazakhstan;

63) an electronic mailbox - a domain name of a user of postal operator services, which is an e-mail address and created in the information system of the mail operator, the National Postal Operator for the transmission of e-mails (messages), documents, information and (or) hybrid items and their storage;

64) e-mail (message) - information sent in electronic form using a network of telecommunications, the Internet or electronic media.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.11.2021 № 72-VII (shall come into effect from 01.01.2022); dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 2. Scope of this Law

The effect of this Law extends to postal service users, as well as to natural and legal persons carrying out activities in the field of postal services in the Republic of Kazakhstan.

Article 3. Legislation of the Republic of Kazakhstan on postal services

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

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

Article 4. Basic principles of postal activities

The principles of postal activity are:

- 1) observation of laws in the performance of postal activities;
- 2) availability of postal services to postal service users in the Republic of Kazakhstan;
- 3) observance by postal operators of the rights and interests of postal service users;
- 4) freedom of movement of postal items in the Republic of Kazakhstan and of transit of international postal items through the Republic of Kazakhstan;
- 5) equality of rights of natural and legal persons in the provision of postal services and use of the results of this activity;
- 6) securing secrecy of correspondence;
- 7) ensuring the development and functioning of the national post office network in the Republic of Kazakhstan;
- 8) the uniformity of rules and requirements in the field of postal services for postal operators when providing postal services to postal service users.

Chapter 2. STATE REGULATION IN THE POSTAL SECTOR

Article 5. Competence of state bodies in the postal sector

1. The authorized body shall:
 - 1) forms and implements the state policy in the field of post;
 - 2) regulate postal sector activities in the Republic of Kazakhstan;
 - 3) exercise control over compliance with the legislation of the Republic of Kazakhstan on the provision of postal services;
 - 4) approve types and number of state indicia to be issued upon the proposal of the National Postal Operator;
 - 5) approve rules for the issuance, sale of state indicia and philatelic products;
 - 6) form the state's collection of indicia;
 - 7) approve the rules for assigning postal codes in the Republic of Kazakhstan;
 - 8) develop and approve, within its competence, regulatory legal acts in the postal sector aimed at improving and developing postal activities in the Republic of Kazakhstan and makes arrangements for their implementation;

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

10) approve, in coordination with the national security authorities, requirements to post office networks and postal devices for the purpose of conducting operational search and counterintelligence activities, and also rules for cooperation in the course of introduction and operation of hardware, software and technical means for conducting operational search and counterintelligence activities at post office networks of the Republic of Kazakhstan;

11) act on behalf of the Government of the Republic of Kazakhstan and within the powers, defined by the Government of the Republic of Kazakhstan, represent and defend postal interests of Kazakhstan in the interaction with other states, international unions and international organizations;

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

13) approve rules for assigning and revoking powers of a designated operator;

14) assign and revoke powers of a designated operator;

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

16) approve rules for the provision of postal services;

17) secure approval for indicia of a postal operator, determine the procedure for the use of indicia of a postal operator and requirements to them, except for state indicia;

18) withdraw a state indicium from circulation for using it as a philatelic product;

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

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

21) approve the quality indicators of universal postal services;

22) approve the unified list of personal data of postal service users, which is necessary and sufficient for the provision of services by postal operators;

23) assign the National Postal Operator;

23-1) approve the rules for reimbursement of costs for public services provided by the National Postal Operator in rural areas;

24) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Local executive bodies of regions, cities of national significance, the capital, districts, cities of regional significance, akims of city districts, of cities of regional significance, settlements, villages, rural districts shall:

1) assist postal operators in siting production units in their entrusted territory;

2) promote effective performance of postal communication in an administrative-territorial unit;

3) cooperate with the management bodies of condominiums, owners of residential and non-residential buildings in providing them with mailboxes and ensuring their proper use.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.07.2022 № 141-VII (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 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 6. Securing secrecy of correspondence

1. The state guarantees the right to the secrecy of correspondence to each postal service user. Restrictions of this right are allowed only in cases and in the manner expressly prescribed by the laws of the Republic of Kazakhstan.

2. Secrecy in the field of postal services is divided into the secrecy of correspondence and bank secrecy. Requirements to the observance and securing secrecy of correspondence and bank secrecy are stipulated by this Law and the Law of the Republic of Kazakhstan “On banks and banking activity in the Republic of Kazakhstan”.

3. Postal operators shall comply with the secrecy requirements in the field of postal services. Employees of postal operators who participate in opening postal items, in cases stipulated by the legislation of the Republic of Kazakhstan, are not entitled to disclose information related to the observance of secrecy of correspondence, except for cases expressly prescribed by the laws of the Republic of Kazakhstan.

4. Officials and other employees of postal operators, as well as other natural and legal persons, who violated the secrecy of correspondence, shall be held liable in accordance with the laws of the Republic of Kazakhstan.

5. Inspection, collection and seizure of postal items are carried out by courts, law enforcement and special state bodies only in cases provided for by legislative acts of the Republic of Kazakhstan.

Article 7. Cooperation of postal operators with the officials conducting operational search and counterintelligence activities

1. In accordance with the legislative acts of the Republic of Kazakhstan, postal operators engaged in postal activities in the Republic of Kazakhstan are obliged to provide bodies performing operational search and counterintelligence activities at post office networks with organizational and technical capabilities for conducting operational search and

counterintelligence activities at all post office networks, with access to service information on postal service users, as well as to take measures to prevent the disclosure of forms and methods of these activities' performance.

The authorized body, in agreement with the national security authorities, sets requirements to post office networks and postal devices for the purposes of conducting operational search and counterintelligence activities, and also rules for interaction in the course of introduction and operation of hardware, software and technical means for conducting operational search and counterintelligence activities at post office networks of the Republic of Kazakhstan.

2. Relations between postal operators and officials conducting operational search and counterintelligence activities are governed by laws of the Republic of Kazakhstan “On operational search”, “On counterintelligence activities” and this Law.

Footnote. Article 7 in the new wording of the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (the order of enactment, see Art. 2).

Article 8. Postal service rates

1. Rates for postal services are set by postal operators independently on the basis of reasonably justified costs, unless otherwise provided for by the legislation of the Republic of Kazakhstan.

2. The price ceiling for subsidized universal postal services is regulated by the authorized body in the manner determined by the authorized body.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 № 34-VI (shall be enforced 01.01.2017).

Chapter 3. POSTAL ACTIVITIES

Article 9. Postal activities

1. The following postal activities are carried out in the Republic of Kazakhstan:

- 1) postal activities;
- 2) other postal activities in accordance with this Law.

2. Postal activities include the following postal services:

- 1) universal postal services;
- 2) services for mailing registered postal items;
- 3) express and courier postal services;
- 4) postal money orders;
- 5) services for distributing periodicals by subscription and selling them in retail;
- 6) services for the sale of postal indicia and philatelic products;
- 7) services for mailing a hybrid item;
- 8) special postal services in accordance with the Law of the Republic of Kazakhstan “On Communications”;
- 9) other services, the provision of which is inextricably linked with postal services.

3. Other postal activities include:

- 1) banking operations, financial services provided for by the laws of the Republic of Kazakhstan;
- 2) transportation, handling, warehousing and storage of goods (cargoes);
- 3) legal actions under the terms of an agency (commission) agreement in accordance with the requirements of the legislation of the Republic of Kazakhstan;
- 4) services for the delivery of pensions, allowances and other social benefits.

Article 9-1. Special postal service

1. The special postal service shall perform special statutory tasks to ensure the protection of information constituting state secrets when sending special items through special postal channels.

2. The special postal service shall be a single structural unit of the National postal operator, which renders special postal services in accordance with the legislation of the Republic of Kazakhstan.

3. The personnel of the special postal communication service shall be provided with uniforms in accordance with the uniform samples approved by the National Postal Operator, and also with service weapons, special protection and communication means as required by the legislation of the Republic of Kazakhstan.

4. The organizational activity of the special postal service, as well as the procedure for provision of services and the list of users of the special postal service, shall be determined by the authorized body.

5. Special items, transported by employees of the special postal service shall not be subject to inspection and detention, except for the cases, stipulated by the legislative acts of the Republic of Kazakhstan.

Footnote. Chapter 3 shall be supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 10. Universal postal services

1. Providing universal postal services, a postal operator provides services for the transfer of unregistered postal items of postal service users, which are collected from letterboxes and (or) received at production units and delivered without a delivery receipt.

Provision of universal postal services by a postal operator is carried out in line with the quality indicators of universal postal services, approved by the authorized body, which establish requirements satisfying the needs of postal service users for accessibility, quality and price of universal postal services.

2. Universal postal services include the following types of services:

- 1) services for mailing an unregistered letter;

- 2) services for mailing an unregistered postcard;
- 3) services for mailing an unregistered packet;
- 4) services for the distribution of periodicals by subscription.

3. Unregistered postal items are accepted for mailing both within the Republic of Kazakhstan and outside it. The requirements to things and items sent as unregistered postal items are governed by rules for the provision of postal services.

4. Mailing of unregistered postal items between state bodies and state legal entities, as well as sending written responses to natural and legal persons in the form of unregistered postal items is prohibited.

Article 11. Services for mailing registered postal items

1. The forwarding of a registered postal item shall be carried out by documentary or electronic confirmation of the receipt of a postal item, by issuing to the sender of a confirming document on paper or in electronic form with the assignment of a postal item registration number (identification alphanumeric barcode), as well as by delivering to the addressee of the postal item against signature or otherwise using automated (electronic) devices, equipment, information systems confirming such delivery.

2. Registered postal items are: a letter (registered, with declared value), a postal card (registered), a packet (registered, with declared value), a small package (registered, with declared value), parcels (ordinary, with declared value).

An additional list of types and categories of postal items included in the service for mailing registered postal items is defined by the rules for postal services' provision.

Registered postal items are accepted with mandatory indication of the return address.

3. Registered postal items are accepted for transfer both within the Republic of Kazakhstan and outside it. The requirements to things, items and goods sent as registered postal items are governed by the rules for the provision of postal services.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced ten calendar days after the day of its first official publication).

Article 12. Express and courier postal services

1. Express and (or) courier postal services provided by a postal operator consist in the transfer of postal items with account of their expedited (express) processing, transportation, delivery and (or) handing of postal items and (or) with account of transportation and delivery of such postal items by a postal operator's courier.

2. Express and courier postal service includes:

- 1) reception of postal items;
- 2) processing, sorting, storage, transportation and delivery of postal items;
- 3) delivery of postal items;
- 4) notification of the sender of the postal item's delivery to the addressee.

Article 13. Postal transfer of money

1. Postal money transfer is a registered postal item. The procedure for and requirements to the postal transfer of money, as well as the form design of a postal item, are established by the rules for the provision of postal services.

2. The amount of a postal money order within the Republic of Kazakhstan is unlimited unless otherwise provided by the legislation of the Republic of Kazakhstan on countering money laundering and financing of terrorism. Postal money orders are accepted in the national currency of the Republic of Kazakhstan and other currencies in accordance with the currency legislation of the Republic of Kazakhstan.

If postal money orders are in foreign currency, the sender (recipient) shall submit additional information and documents in accordance with the requirements of the currency legislation of the Republic of Kazakhstan.

3. Money for postal transfers is accepted in cash and non-cash forms. Non-cash postal transfer of money is made after the amount of the money order and commission is received on the bank account of a postal operator.

Article 14. Distribution of periodicals by subscription

1. A postal operator provides the service of distributing periodicals by subscription to postal service users after concluding an agreement with a mass medium owner or his/her representative on adding the periodical to the subscription catalog of a postal operator.

A postal operator maintains the hard and soft copy of a single subscription catalog, which shall contain sections on national, local and foreign periodicals, depending on the territory of periodicals' distribution.

2. Distribution of periodicals by subscription consists of the following steps:

1) entering into an agreement with a mass media owner or his/her representative on periodicals' distribution, as well as accepting an order for subscription from a postal service user, also through the Internet resource, and processing information on the postal operator's acceptance of subscription to periodicals;

2) receiving, processing, transporting, delivering a periodical to a postal service user by a postal operator, or sending a periodical in electronic form to the electronic mailbox of a postal service user.

3. Subscription to republican, local and foreign periodicals is carried out by the postal operator or the user of the postal operator's services through production facilities or Internet resources.

Distribution of republican periodicals by subscription is carried out throughout the territory of the Republic of Kazakhstan in accordance with the document issued by the authorized body in the field of mass media, and distribution of local periodicals is carried out on the territory of the region, city of republican significance, the capital, specified in the relevant document issued by local executive bodies of the regions, cities of republican significance, the capital.

4. Distribution of foreign periodicals by subscription is carried out on the territory specified in the document on the registration of foreign periodicals distributed in the Republic of Kazakhstan, issued by the authorized body in the field of mass media, local executive bodies of the regions, cities of republican significance, the capital in accordance with the Law of the Republic of Kazakhstan "On Mass Media".

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 19.06.2024 No. 94-VIII (shall come into force sixty calendar days after the date of its first official publication).

Article 15. Retail sale of periodicals

1. A postal operator provides the service for the retail sale of periodicals to postal service users on the basis of a contract concluded with a mass media owner or his/her representative.

2. Retail sale of foreign periodical printed publications is carried out by the postal operator in the territory specified in the document on the registration of foreign periodical printed publications distributed in the Republic of Kazakhstan, issued by the authorized body in the field of mass media, local executive bodies of regions, cities of republican significance, the capital in accordance with the Law of the Republic of Kazakhstan "On Mass Media".

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 19.06.2024 No. 94-VIII (shall come into force sixty calendar days after the date of its first official publication).

Article 16. Sales of indicia

1. Postal indicia are designed to confirm the payment for services provided by a postal operator for mailing written correspondence at current rates. The use of indicia applies only to written correspondence items.

2. A postal operator uses indicia approved by the authorized body, except for state indicia.

3. In the Republic of Kazakhstan, postal operators mail only those domestic and international written correspondence that have indicia.

4. Purchased indicia, including state ones, are not subject to return and exchange.

5. If a postal item has no indicia or a fixed rate has been paid partially, a postal operator returns such an item to the sender.

6. Dirty, damaged, used (canceled) indicia, those withdrawn from circulation as well as indicia of other states are not accepted for the payment of postal services.

7. Indicia purchased to confirm payment for postal services shall be used by the postal operator who issued these indicia.

8. To identify postal operators that issued indicia, except for state indicia, the face of indicia shall bear the name of a postal operator.

Article 17. State indicia and philatelic products

1. State indicia shall be issued for circulation by the authorized body.

2. The authorized body shall set requirements to state indicia in accordance with the Universal Postal Union Acts. The procedure for approving types and number of state indicia,

their introduction into mail circulation and their withdrawal from circulation, as well as arrangements for the production, issue and sale are governed by the rules for the issue, sale of state indicia and philatelic products.

3. The National Postal Operator shall organize the manufacture, issue and sale of state indicia.

4. To protect against the turnover of illegally issued state indicia, the National Postal Operator sends to the Universal Postal Union three postage stamps of each new issue and of each par value, along with the information (date of issue, technical description and other necessary data) required for adding them to the register of authentic postage stamps of the Universal Postal Union member countries.

5. The authorized body, on the proposal of the National Postal Operator, shall withdraw state indicia from circulation for their use as philatelic products.

6. State indicia shall be in circulation for at least two years after the date of their issuance.

Article 18. Services for mailing a hybrid item

1. Providing the service of mailing a hybrid item, a postal operator initially mails an item in the form of an e-mail (message) using information systems, Internet resources and other electronic media, which is later delivered in the form of a letter (postcard) or initially mails a letter (postcard), which is then delivered in the form of an e-mail (message) to an e-mail box or electronic mailbox using information systems, Internet resources.

2. E-mails (messages) are received from senders or delivered by transferring information from the information systems used, which are integrated into the information system of a postal operator on the basis of a contract.

3. Postal operators use their own information systems and telecommunications networks or information systems and telecommunications networks of contracted third parties to receive or deliver e-mails (messages).

4. A postal operator has the right to contract a third party to print and convert received e-mails (messages).

5. An e-mail (message) is sent in the form of a postal item in accordance with the requirements established by this Law and rules for the provision of postal services.

Article 18-1. Services of e-mail, hybrid mail

Services of electronic mail consist in the electronic transfer of messages, information, letters, and documents between authenticated users of services with confirmation of the sending and delivery of such transfer and ensuring the secure storage of received messages, information, letters, and documents.

Services of hybrid mail include hybrid mail forwarding services.

Postal operators shall carry out the registration of service users on a voluntary basis according to the application submitted by the service user on paper or in electronic form. The procedure for authentication and provision of e-mail services shall be determined on the basis of a user agreement between the mail operator and the service user.

Authentication of the user of e-mail services shall be carried out by means of an electronic digital signature.

Postal operators use an electronic postmark, which is a confirmation of the transfer of messages, information, letters, and documents in electronic form and in the corresponding form of the operation authenticity carried out at a certain time by one or more service users.

Footnote. The law is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 19. Payment for services of a postal operator

1. Services of a postal operator shall be paid for as required by the rules for the provision of postal services.

2. Services of a postal operator may be paid for:

- 1) in cash;
- 2) in a non-cash form, including electronic money.

3. An agreement for rendering services to postal service users by a postal operator shall envisage, in its terms, one or more methods of payment for services.

4. A postal operator, on behalf of the sender, shall collect the COD amount specified by the sender from the recipient when delivering him/her an item, and transfer it to the address specified by the sender. COD items are accepted for mailing throughout the Republic of Kazakhstan and to the countries with whose postal operators appropriate contracts were concluded.

5. If the recipient refuses to receive a postal item, including a COD one, the postal operator mails the postal item to the sender, who shall pay the return postage amount on delivery.

Article 20. Notice, notification

1. A notice on the receipt of a registered postal item at the destination shall be sent electronically to the electronic mailbox of the recipient of the postal item, in the absence of an electronic mailbox, the notice shall be sent to the subscriber's cellular number, if any, or delivered on paper to the mailbox and (or) a PO box.

2. A notification on receipt of a postal item by the addressee is an additional postal service for which a fee shall be charged from the sender upon acceptance of the registered postal item, and shall be sent back to the sender upon delivery of the registered postal item to the recipient.

3. Registration and forwarding of a receipt notification of a registered postal item shall be carried out on paper or in electronic form using an electronic subscriber mailbox.

4. The tariff for notification of receipt by the addressee of the postal item shall be paid by the sender in advance with receipt of the mail operator's receipt.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 21. Return of a postal item, change or correction of an address

1. The sender applies to a postal operator with a request to return the postal item, to change or correct the address in cases, if the postal item:

- 1) has not been delivered to the addressee;
- 2) has not been confiscated or destroyed for items and substances prohibited for shipment;
- 3) has not been seized in accordance with the legislation of the country of destination.

2. The sender shall pay an additional charge for the return of a postal item, change and correction of the address.

Article 22. Postal operators

1. Postal operators shall have the necessary material and technical base and qualified personnel, mechanical facilities, provide information on rates to postal service users, on terms of mailing postal items inside and outside Kazakhstan, as well as other information for postal service users.

2. The activity of postal operators in the provision of postal services is carried out in accordance with the rules for the provision of postal services.

3. Postal operators are obliged to ensure the safety of postal items and postal orders of money received from postal service users.

4. Postal operators provide information on postal items, money orders, senders and addressees only to senders and addressees or their legal representatives or attorneys on the basis of a power of attorney. The provision of such information to other private and legal persons is carried out only in cases stipulated by the laws of the Republic of Kazakhstan.

5. Postal operators provide postal services through production units, automated parcel terminals, postmen or couriers, and they also use their own post office boxes and postal indicia in accordance with the requirements established by this Law.

Through mailboxes, postal operators deliver postal items, the list of which is established by the rules for the provision of postal services.

6. Interaction between postal operators is carried out on a contractual basis.

7. A private or legal person, whose founder or participant is an individual with an outstanding or unexpunged conviction for the crimes specified in articles 215, 216 and 217 of the Criminal Code of the Republic of Kazakhstan, may not be a postal operator.

8. Postal operators carry out activities in accordance with the procedure established by this Law and the legislation of the Republic of Kazakhstan.

Article 23. National Postal Operator

1. Obligations of the National Postal Operator are as follows:

1) provision of universal postal services in accordance with the quality indicators of universal postal services, approved by the authorized body;

- 1-1) provides the services specified in Article 23-1 of this Law in rural settlements;
- 2) provision of special postal services in accordance with the Law of the Republic of Kazakhstan "On Communications";
- 3) assignment of postal codes to real estate objects in accordance with the rules for assigning postal codes in the Republic of Kazakhstan;
- 4) placement of letterboxes in the manner established by article 32 of this Law;
- 5) provision of employees of the special postal service with uniforms, and also its own employees- with uniforms (without shoulder straps);
- 6) issue and sale of state indicia of the Republic of Kazakhstan;
- 7) creates a unified system of electronic subscriber mailboxes and ensures its functioning.

2. The National Postal Operator is entitled to:

1) provide services specified in subparagraphs 2), 3), 4), 5), 7) and 9) of paragraph 2 and paragraph 3 of article 9 of this Law;

2) to carry out brokerage, dealer and transfer-agent activities in the manner prescribed by the authorized body for regulation, control and supervision of the financial market and financial organizations;

2-1) to provide services without charging a fee for accepting cash and non-cash money from individuals and representatives of state institutions in payment of taxes and other mandatory payments to the budget according to the list of incomes approved by the central authorized body for budget execution, with the right to receive remuneration for services rendered from the budget on the basis of the concluded agreement;

3) carry out certain types of banking operations without a license:

deposit taking, opening and keeping of bank accounts of legal entities;

opening and keeping of correspondent accounts of banks and organizations engaged in certain types of banking operations;

cash operations: acceptance and withdrawal of cash, including its change, exchange, recount, sorting, packaging and storage;

transfer operations: execution of orders of natural and legal persons on payments and money transfers;

collection of banknotes, coins and valuables, including precious metals, precious stones and products made of them;

exchange transactions with foreign currency, including exchange transactions with foreign currency in cash;

opening and maintaining a bank account of an individual included in the list of organizations and persons associated with the financing of terrorism and extremism, to conduct transactions with money and (or) other property, provided for in paragraph 8 of Article 12 of the Law of the Republic of Kazakhstan "On Counteraction of Legitimization (Laundering) of Incomes Received by Illegal Means, and Financing of Terrorism";

4) issue, sell and distribute payment cards.

3. The activities of the National Postal Operator in accepting deposits, opening and maintaining bank accounts of individuals are regulated by the authorized body for regulation, control and supervision of the financial market and financial organizations, including by establishing separate prudential standards and issuing licenses.

The list, forms of reporting on implementation of prudential standards by the National Postal Operator, the terms and procedure for its submission to the National Bank of the Republic of Kazakhstan are established by a regulatory legal act of the National Bank of the Republic of Kazakhstan in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations.

The safety of deposits of the population raised by the National Postal Operator to time deposits is ensured by placing them in state securities and other liquid financial instruments.

The authorized body for regulation, control and supervision of the financial market and financial organizations controls and supervises the observance by the National Postal Operator of the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and financing of terrorism when carrying out financial activities and rendering financial services.

The authorized body monitors the National Post Operator's compliance with the legislation of the Republic of Kazakhstan on countering the legalization (laundering) of proceeds from crime and the financing of terrorism when carrying out postal services.

4. The National Postal Operator requests and receives information or obtains access to the information system "Address Register" in order to fulfill obligations imposed on it by the state.

5. The National Postal Operator assigns a postal code to each real estate object that has a location address and is included in the information system "Address Register". The National Postal Operator maintains a single base of postal indices in the Republic of Kazakhstan in accordance with the rules for the assignment of postal codes in the Republic of Kazakhstan.

6. The National Postal Operator's interaction with other postal operators is carried out on a contractual basis.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 25.11.2019 № 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 325-VI dated 13.05.2020 (shall come into effect ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 23-1. Reimbursement of expenses of the National Postal Operator related to providing access to public services

1. Access of the population living in rural settlements to public services shall be provided by the National Postal Operator in post offices in accordance with the register of public services approved by the authorized body in the field of public services.

2. The costs of the National Postal Operator associated with creating and providing access to public services for the population living in rural areas shall be reimbursed in the manner determined by the authorized body.

Footnote. The law is supplemented by Article 23-1 in accordance with the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 24. Rules for the provision of postal services

Rules for the provision of postal services shall contain the procedure for:

1) the organization of the postal network and service by postal operators of users of postal operator services, including unhindered access of persons with disabilities to postal services;

2) the use of postal operators' name stamps;

3) registration of postal items, and also of their types and technical characteristics;

4) reception, processing, transportation and (or) transfer, delivery and (or) handing of postal items and/or postal money orders, as well as the form design of a postal item and (or) postal order;

5) reception, processing and delivery of international postal items;

6) reception, processing and inspection of postal items and also compliance with timeframes for the storage of postal items;

7) the delivery and return of postal items;

8) conducting a transaction day;

9) delays, inspections and seizures of postal items, as well as a list of items and substances, which transfer via post office networks is prohibited or restricted;

10) consideration of applications and complaints of postal service users;

11) other provisions related to the provision of postal services stipulated by this Law.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 25. Restrictions and prohibitions in the provision of postal services

1. Items and substances restricted and prohibited for mailing and found in postal items are seized and removed at the place of detection in accordance with the procedure established by this Law and the Criminal Procedure Code of the Republic of Kazakhstan.

2. Inspection and seizure of postal items are allowed in cases established by the laws of the Republic of Kazakhstan.

Article 26. Use of languages in the activity of postal operators

1. In the Republic of Kazakhstan, office work of postal operators is carried out in Kazakh and (or) Russian languages. The designated operator keeps up correspondence with the

designated operators of the Universal Postal Union member countries and with the Universal Postal Union in the language defined by the Universal Postal Union Acts.

2. The addresses of the sender and recipient of postal items transferred within the Republic of Kazakhstan shall be indicated either in Kazakh or Russian at the request of the sender, and outside the Republic of Kazakhstan in the language of the country of destination or in the language established by the Universal Postal Union Acts.

3. Information, reference and other data concerning the activities of postal operators, as well as sample documents are fixed in Kazakh and Russian in places accessible to postal service users.

Article 27. Application of local time in the field of postal services

1. Carrying out activities in the field of postal services, postal operators, depending on their location in the Republic of Kazakhstan, apply local time while performing technological processes of mailing postal items.

2. Information on service provision is given to postal service users by local time.

Chapter 4. POST OFFICE NETWORK AND FACILITIES OF POSTAL COMMUNICATION

Article 28. Post office networks in the Republic of Kazakhstan

1. The Republic of Kazakhstan has a national post office network created by the National Postal Operator and post office networks formed by postal operators.

2. The national post office network is a strategic object of the Republic of Kazakhstan.

3. Postal operators set up post office networks independently, except for cases expressly stated in this Law.

Article 29. Planning and development of post office networks of postal operators

1. Postal operators plan and develop post office networks independently.

The development of post office networks ensuring the provision of postal services to postal service users is carried out in accordance with the quality indicators of universal postal services approved by the authorized body.

2. Constructing residential buildings, building owners bear responsibility for the design and installation of mailboxes at their expense.

Article 30. Post offices

1. Post offices are production units where postal service users are provided with postal services.

The postal operator identifies the need for opening and maintenance of post offices on the basis of quality indicators of universal postal services.

2. The National Postal Operator provides for the running of the following types of post offices:

1) stationary post offices, which shall be set up in accordance with the quality indicators of universal postal services, approved by the authorized body, and designed to service postal service users;

2) mobile post offices set up on the basis of vehicles, following contracts with natural and legal persons among other things, to provide postal services to postal service users.

3. Mobile post offices shall service postal service users in the center of an inhabited locality. Standards for providing services to postal service users by mobile post offices shall be set by a postal operator.

4. Postal operators shall independently identify and use necessary types of post offices in their activities.

Article 31. Postal routes

1. Postal routes of postal operators are an integral part of the post office network and represent a scheme for transportation and delivery of postal items using vehicles and (or) postmen, couriers.

2. Postal routes are planned by a postal operator based on the existing inter-city, inter-region, inter-district (inter-city intraregional), intra-district, suburban, urban (rural) routes, and those connecting inhabited localities with district or regional centers, cities of national significance, the capital.

3. A postal operator draws up a postal route and a traffic timetable in accordance with the current quality indicators of universal postal services, internal regulations and deadlines for the processing, transportation and delivery of postal items.

4. Information on postal routes is confidential. Such information may be disclosed to third parties in compliance with the requirements of the Entrepreneurial Code of the Republic of Kazakhstan.

Article 32. Post office boxes

1. Postal operators install post office boxes in places accessible to postal service users, observing the quality indicators of universal postal services, approved by the authorized body.

2. At the discretion of a postal operator and with agreement of homeowners, post office boxes are placed right on a real estate object, and also as stand-alone in their premises.

3. The collection of postal items from post office boxes is provided by postal operators in compliance with the quality indicators of universal postal services.

4. Post office boxes of a postal operator shall bear a logo to be distinguished from post office boxes of another postal operator.

Article 33. Mailboxes

1. Mailboxes are installed in residential and non-residential buildings, separate houses in the places accessible to postal service users and postmen of postal operators, and belong to their owners, who place them and ensure their proper maintenance as required by the authorized body.

2. Owners of residential and non-residential buildings, separate houses shall provide postmen, couriers with unimpeded access to mailboxes. In the cases of absence or malfunction of a mailbox, a postal operator delivers a postal item at a production unit.

3. Owners of residential and non-residential buildings, separate houses may decide to transfer the obligation to install, maintain and safeguard mailboxes to the condominium management body under a contract.

4. Mail operators use electronic PO boxes when sending e-mails (messages), documents, and (or) hybrid items. The creation and use of electronic subscriber mailboxes by mail operators shall be carried out independently. Electronic PO boxes shall be provided to the users of services of the mail operator on the basis of a user agreement with the mail operator.

Mail operators shall ensure the security and confidentiality of the use of electronic subscriber mailboxes by the users of services of the operator of the mail, as well as the secrecy of personal correspondence of the user of the services of the mail operator.

5. The national postal operator shall create a personal electronic mailbox free of charge for any applying postal service user and ensure its proper functioning, as well as the privacy of personal correspondence of a postal service user.

6. The unified system of electronic mailboxes is a public information system of the National Postal Operator, which ensures the mailing of postal items in electronic form, including within the frames of e-document management, throughout the Republic of Kazakhstan.

The National Postal Operator shall ensure creation, operation and development of unified system of electronic subscriber mailboxes throughout the territory of the Republic of Kazakhstan.

7. Identification of users of the services of the mail operator occurs according to their personal data (individual identification number), and legal entities - by business identification number. In order to confirm the data of users of the services of the mail operator, the National Postal Operator gets access to the state databases of individuals and legal entities of state bodies.

Integration of information systems between the National Postal Operator and state bodies shall be carried out in accordance with the requirements established by the Law of the Republic of Kazakhstan "On Informatization".

The transfer of e-mails (messages), documents, and (or) hybrid items within the framework of electronic document management shall be carried out in accordance with the Law of the Republic of Kazakhstan "On electronic document and electronic digital signature".

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 34. Name stamps of postal operators

1. Postal operators provide their production units with name stamps to be used for mailing postal items.

2. Name stamps of postal operators shall bear their names to differ from the name stamps of production units of the National Postal Operator.

3. The procedure for using name devices shall be determined by mail operators independently.

Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 35. Use of vehicles

1. Postal operators are entitled to transport postal items on all routes and lines of railway, sea, inland water, air and road transport, accompanied by postal operator employees, as well as to farm out postal items for transportation in accordance with the civil legislation of the Republic of Kazakhstan.

2. Passage of motor vehicles and other road motor vehicles of a postal operator, providing universal postal services and other services, to cargo and luggage complexes, letterboxes located along auto roads, at automobile, railway, water stations and terminals, at airports, and also for exchanging all types of postal items with postal cars at the platforms and ramps of railway stations and terminals is carried out on a priority basis and at no charge.

When railway trains are supplied to railway stations (railway tracks), a free passage of a motor vehicle and other road motor vehicles of a postal operator to a postal car shall be ensured for timely exchange of mail.

3. Vehicles belonging to the National Postal Operator have special symbols and, without its consent, shall not be used to provide services and perform works not related to postal activities.

Chapter 5. POSTAL SERVICE USERS

Article 36. Quality of postal operator services

1. Postal operators are obliged to provide services to postal service users, meeting quality requirements and standards established by this Law and rules for postal services' provision , and also terms of a concluded service contract.

2. Postal operators render postal services to all postal service users on an equal basis in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

3. Postal items, postal money transfers belong to the sender until the moment of delivery and (or) handing over to the addressee by the mail operator.

If it is impossible to deliver the postal item, such an item shall be returned back to the sender.

If there is no demand for a postal item that was not delivered due to the death of the recipient, the absence of the recipient at the address indicated by the sender, or the recipient's

refusal to receive the postal item, the sender shall submit an application for refusing to return the postal item to the postal operator on paper or in electronic form, which subsequently goes to the disposal of the postal operator.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication)

Article 37. Peculiarities of servicing postal service users

1. Postal service users shall deliver and receive postal items in compliance with the requirements of the legislation of the Republic of Kazakhstan, which establish rules for indicating addresses on postal items, postal money orders, and also for the content of postal items.

2. In the event of purchasing indicia from a postal operator, a postal service user is obliged to deliver a postal item to this postal operator either via a letterbox owned by it or at a counter where the indicia were purchased.

When a postal item with the indicia of another postal operator is collected from a letterbox, this postal item shall be returned by the postal operator, who has collected it, to the postal service user at the address indicated on the postal item.

3. If there is an information system, postal operators shall have the right to provide services in the field of mail through automated (electronic) devices, equipment, and information systems, as well as to use them to automate and optimize the processes of providing services in the field of the mail.

Serving users of the mail operator's services is possible through a subscriber device of cellular communication.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 38. Protection of the rights of postal service users

1. Protection of the rights of postal service users to getting quality services from postal operators, to obtaining information on the provision of services, and the mechanism for implementing such rights are regulated by the Law of the Republic of Kazakhstan “On Protection of Consumer Rights”.

2. Providing postal services, a postal operator collects, accumulates, uses and stores personal data of postal service users in accordance with a single list of personal data of postal service users, which is approved by the authorized body and is required and sufficient for rendering services by a postal operator.

Mail operators shall be obliged to receive an application (consent) from the user of the mail operator's services for the collection, accumulation, use, and storage of personal data before receiving or handing over a postal item. Such consent is selected electronically using an electronic digital signature or in any other way that confirms the receipt of consent, using

automated (electronic) devices, equipment, or information systems, or on paper under the signature.

Providing a universal postal service by a postal operator, the personal data is collected, accumulated, used and stored without the consent of a postal service user or his/her legal representative.

3. Mailing registered postal items either personally or through his/her representative, a postal service user shall produce a sender's identity document either at a postal operator's postal item collection point or to the postman or courier of a postal operator. If the sender refuses to give consent to collect, accumulate, use and store personal data, the postal operator shall refuse to mail a postal item of the postal service user.

4. Receiving a registered postal item, a postal operator collects, accumulates, uses and stores personal data of the recipient without his/her consent. When a postal operator delivers a registered postal item to the postal service user, the recipient presents his/her identity document and gives the operator his/her consent to collect, accumulate, use and store personal data. If the recipient refuses to give consent to collect, accumulate, use and store personal data, the postal operator does not hand the postal item to the recipient and shall mail the postal item back to the sender.

5. Postal operators and bodies conducting operational search and counterintelligence activities and having access to personal data, ensure confidentiality by complying with the requirements to prevent their dissemination without the consent of the person or his/her legal representative or other legal grounds.

Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 6. POSTAL COMMUNICATION SECURITY

Article 39. Security measures

1. Providing postal services, postal operators, within their competence, take measures to ensure the safety of the health and life of postal service users and of their employees.

2. Registered postal items of private persons accepted for transfer by postal operators shall be open. Postal operators use technical means for identification of things, items and goods in postal items.

Receiving registered postal items, a postal operator shall identify the sender in the established order and record his/her data. At facilities equipped with automated parcel terminals, postal items are received and delivered using technical means to identify the sender and the addressee, as well as to exclude unauthorized access.

3. Postal operators take measures aimed at identifying prohibited items and substances in postal items in the process of their mailing.

In order to identify prohibited items and substances in postal items, postal operators use technical means, equipment and video recording systems helping identify prohibited items and substances in postal items without their opening.

If postal operators identify items and substances prohibited in accordance with the rules for postal services' provision during the transfer of postal items, they shall report to law enforcement and special government agencies. Opening of postal items is carried out by representatives of authorized bodies at the place of detection and in the presence of employees of a postal operator.

4. The poster of a postal item is liable under the laws of the Republic of Kazakhstan for violating prohibitions established for the transfer of items and substances in postal items.

Article 40. Postal security system of the National Postal Operator

1. The postal security system of the National Postal Operator aims to ensure postal, banking, business and trade secrecy, to protect postal items from unauthorized access, to take measures to prevent loss and theft of postal items and money, to observe prohibitions on the transfer of items and substances in postal items and ensure security of the information systems used.

2. The security regime is supported by a contracted private security organization or by a security organization established by the National Postal Operator in accordance with the Law of the Republic of Kazakhstan "On Security Activities".

Private security organizations or a security organization established by the National Postal Operator shall ensure the security and protection of production units, postal vehicles, employees and postal service users in the provision of services, protection of postal items from unauthorized access to them, and they also shall prevent theft of postal items and money by third parties.

Chapter 7. INTERNATIONAL ACTIVITIES IN THE FIELD OF POSTAL COMMUNICATION

Article 41. International cooperation

International cooperation in the field of postal communication is carried out on the basis of international treaties, the Universal Postal Union Acts and this Law.

Article 42. Designated operator

1. The authorized body, in accordance with the rules for assigning and revoking powers of the designated operator, appoints a postal operator as the designated operator for ensuring the operation of postal services and fulfillment of obligations related to them and arising from the Universal Postal Union Acts throughout the Republic of Kazakhstan.

2. The designated operator shall ensure:

1) rendering of postal services on an ongoing basis in all localities in the territory of the Republic of Kazakhstan, including the territory of a special economic zone, the limits of which fully or partially coincide with the sections of the customs border of the Eurasian Economic Union for all users of services of the postal operator;

- 2) reception, processing, transportation and delivery of written correspondence;
- 3) reception, processing, transportation and delivery of parcels weighing up to twenty kilograms;
- 4) a reply return of international business correspondence;
- 5) acceptance of an international reply coupon for payment;
- 6) transit of international postal items of designated operators of other Universal Postal Union member countries through the Republic of Kazakhstan.

3. The designated operator carries out postal services in accordance with the Universal Postal Union Acts and this Law.

4. In case of the designated operator's failure to fulfill obligations arising from the Universal Postal Union Acts and paragraph 1 of this article, the authorized body shall revoke designated operator powers from a postal operator in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

5. In order to ensure the obligations arising from the acts of the Universal Postal Union on the territory of the Republic of Kazakhstan, including on the territory of a special economic zone, the limits of which fully or partially coincide with the sections of the customs border of the Eurasian Economic Union, the designated operator shall create the sites of international postal exchange. The designated operator shall determine the required number of sites of international postal exchange, as well as the procedure for their operation.

The designated operator shall have the right to create the sites of exchange and processing of international mailings outside the territory of the Republic of Kazakhstan and shall carry out such activities under the conditions, stipulated in the acts of the Universal Postal Union and the legislation of a foreign state, in which the site of exchange and processing of international mail is created.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 43. International postal exchange and international postal transit

1. International postal exchange and international postal transit are carried out in accordance with the Universal Postal Union Acts, international treaties and acts constituting the law of the Eurasian Economic Union, the customs legislation of the Republic of Kazakhstan and this Law.

2. The designated operator shall officially register points of international postal exchange with the bodies of the Universal Postal Union in accordance with the Universal Postal Union Acts.

3. On the part of the Republic of Kazakhstan, international postal exchange and international postal transit is performed by the designated operator in accordance with the

Universal Postal Union Acts, international treaties and acts constituting the law of the Eurasian Economic Union, the customs legislation of the Republic of Kazakhstan and this Law.

4. International postal exchange and transit are carried out at the points of international postal exchange created by the designated operator for own money.

5. Establishment of points for exchange and processing of international postal items by other designated operators of foreign countries that are members of the Universal Postal Union in the Republic of Kazakhstan shall be carried out with the permission of the authorized body.

Chapter 8. FINAL PROVISIONS

Article 44. Responsibility for violation of obligations in the provision of postal services

1. The postal operator shall ensure the safety of a postal item from the moment of its receipt from the sender up to the moment of its delivery to the recipient.

2. The postal operator is liable in the cases of:

1) loss, damage (spoilage) of a registered postal item or shortage of things, items or goods inside a registered postal item;

2) violation of the deadlines for mailing a postal item.

3. The postal operator shall be held liable for the loss, damage (spoilage) of a registered postal item or the shortage of things, items or goods inside a registered postal item to the amount of:

1) the declared value and paid postage rate - for the loss or complete damage (spoilage) of a postal item with declared value;

2) the declared value of the missing, lost or damaged (spoiled) part of things, items or goods specified by the sender in the inventory - for the shortage of things, items or goods inside a registered postal item, the loss or damage (spoilage) of a part of things, items or goods inside a registered postal item with declared value when they are shipped with a list of things, items or goods placed inside the registered postal item;

3) the declared value of part of a registered postal item, which is calculated in proportion to the ratio of the weight of the missing, lost or damaged (spoiled) part of things, items or goods to the weight of the mailed registered postal item (excluding the weight of the envelope of the postal item), regardless of its actual value, - for the shortage of things, items or goods inside a registered postal item, the loss or damage (spoilage) of part of things, items or goods inside a registered postal item with declared value, when they are shipped without a list of things, items or goods inside the registered postal item;

4) twice the amount of the paid postage rate - for the loss or complete damage (spoilage) of any other registered postal item;

5) the paid postage rate - for the shortage of things, items or goods, or loss of a part of things, items or goods, or for damage to a part of things, items or goods of any other registered postal item;

6) the amount of a postal money order and the paid postage rate - for the loss of postal money transfer;

4. For violation of deadlines for mailing a postal item and money order of postal service users, a postal operator pays a penalty equal to three percent of the paid postage rate for each day of delay, but not greater than the amount of the postage rate paid for the service provided.

For violation of deadlines for air mailing, a postal operator pays a postal service user the difference in air and land transportation rates.

5. The postal operator shall not be held liable for loss, damage (spoilage) of a registered postal item or shortage of things, items or goods inside a registered postal item, violation of deadlines for mailing a postal item and postal transfer of money of postal service users, if a failure to perform or improper performance of obligations was proved to be due to force majeure or special properties of things, items or goods in a postal item and other grounds specified in the Civil Code of the Republic of Kazakhstan, this Law and international treaties ratified by the Republic of Kazakhstan.

6. Postal service users shall be held liable for damage caused to a postal operator as a result of:

1) discovery of items and substances in postal items, which, due to their special properties, are prohibited or restricted for transfer through post office networks;

2) improper packaging of things, items or goods accepted for transfer through the post office networks.

Article 45. Responsibility for violation of the legislation of the Republic of Kazakhstan on postal services

Persons guilty of violating the legislation of the Republic of Kazakhstan on postal services shall be held liable in accordance with the laws of the Republic of Kazakhstan.

Article 46. Procedure for the enactment of this Law

1. This Law shall take effect ten calendar days after the date of its first official publication, except for the third part of paragraph 1 of article 7, paragraphs 2 and 3 of article 39, which shall go into effect on 1 January 2019.

2. The Law of the Republic of Kazakhstan dated 8 February, 2003 " On post" shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 2003, № 3, Art. 17; № 15, Art. 139; 2004, № 23, Art. 142; 2005, № 14, Art. 55; № 23, Art. 104; 2006, № 1, Art. 5; № 16, Art. 99; 2009, № 2-3, Art. 18; 2010, № 15, Art. 71; 2011, № 11, Art. 102; № 12, Art. 111; 2012, № 5, Art. 35; № 13, Art. 91; 2013, № 10-11, Art. 56; № 14, Art. 75; 2014, № 11, Art. 61; № 14, Art. 87; № 19-I, 19-II, Art. 96; № 21, Art. 122; 2015, № 16, Art. 79).

The President

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