



On Control of Specific Goods

Unofficial translation

Law of the Republic of Kazakhstan dated December 28, 2022 № 172-VII ЗРК.

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This Law establishes the principles and legal framework for the control of specific goods, defines the rights, duties and responsibilities of individuals and legal entities of the Republic of Kazakhstan in the export, re-export, import, transit of specific goods, the provision of extraterritorial mediation services or technical assistance, as well as foreign entities engaged in extraterritorial re-export and transit of specific goods.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

- 1) military goods – weapons, military equipment, technologies, software, technical and special means, materials, equipment for production and testing, components and spare parts for them, specified in the checklist of specific goods;
- 2) comprehensive control – control of goods that are not included into the checklist of specific goods;
- 3) weapons of mass destruction – chemical, bacteriological (biological), radiological, nuclear and toxin weapons;
- 4) delivery means – missiles and unmanned aerial vehicles capable of delivering weapons of mass destruction specified in the checklist of specific goods;
- 5) import – import of goods into the territory of the Republic of Kazakhstan;
- 6) guarantee obligation – a document containing an official assurance of the recipient country, issued by its competent authority, that the imported goods are used for the stated purposes and that they are not transferred to third countries or third parties without the permission of the competent authority of the exporting country and (or) country of origin;
- 7) re-export – export of goods previously imported into the territory of the Republic of Kazakhstan, produced abroad;
- 8) commercial documents – documents used in the implementation of foreign trade and other activities, as well as to confirm the completion of foreign economic transactions related to the movement of specific goods across the State Border of the Republic of Kazakhstan (bills (invoices), specifications, shipping (packing) lists);

9) transport (shipping) documents – documents confirming the existence of a contract for the carriage of specific goods and accompanying them during such transportation (bill of lading, waybill);

10) goods controlled to ensure the national security of the Republic of Kazakhstan (hereinafter referred to as goods controlled to ensure national security), – goods specified in the checklist of specific goods, not related to dual-use or military goods, controlled in the interests of national security in terms of preventing damage to national interests at the international level and the political image of the Republic of Kazakhstan, as well as ensuring the safety of life and health of citizens, countering terrorism and crime;

11) international import certificate of the Republic of Kazakhstan – a document that contains confirmation from the authorized body that the importer undertakes to import the goods and prevent their transfer to third countries or third parties without obtaining the appropriate permission from the exporting country and (or) the country of origin and the authorized body;

12) end user certificate of the Republic of Kazakhstan – a document that contains confirmation from the authorized body that the end user undertakes to use the imported goods for the stated purposes and not allow their transfer to third countries and third parties without obtaining the appropriate permission from the exporting country and (or) country of origin and the authorized body;

13) dual-use goods – products (including software and technologies) specified in the checklist of specific goods that are used for civilian purposes, but can be used to create weapons of mass destruction and their means of delivery, weapons, military equipment;

14) specific goods – dual-use and military goods, as well as goods controlled for national security;

15) control of specific goods — a set of measures established by this Law and other regulatory legal acts of the Republic of Kazakhstan to comply with the requirements of the legislation of the Republic of Kazakhstan in the field of control of specific goods and international obligations of the Republic of Kazakhstan;

16) intracompany system of control of specific goods – a set of measures of an organizational, administrative, informational and other nature, carried out in order to fulfill the requirements established by the legislation of the Republic of Kazakhstan in the field of control of specific goods, and international obligations of the Republic of Kazakhstan;

17) state bodies of the system of control of specific goods – central state bodies of the Republic of Kazakhstan exercising control of specific goods within the competence established by this Law and the legislation of the Republic of Kazakhstan;

18) identification of specific goods – identification of goods belonging to specific goods, including software and technologies;

19) checklist of specific goods (hereinafter referred to as the checklist) – list of specific goods that are subject to control in accordance with this Law;

20) technical assistance – activities carried out by individuals and legal entities of the Republic of Kazakhstan outside the territory of the Republic of Kazakhstan, for the repair, manufacture, assembly, testing, modernization and other maintenance of dual-purpose and (or) military goods, including consultations, instruction, training, exchange of work experience and skills;

21) transit – movement of goods through the territory of the Republic of Kazakhstan;

22) authorized body – the central executive body exercising state regulation in the field of control of specific goods, as well as within the limits provided for by the legislation of the Republic of Kazakhstan, intersectoral coordination;

23) foreign persons – individuals who are not citizens of the Republic of Kazakhstan and have evidence of their belonging to the citizenship of another state, as well as legal entities whose civil legal capacity is determined by the law of a foreign state;

24) extraterritorial mediation services – activities carried out by individuals and legal entities of the Republic of Kazakhstan outside the territory of the Republic of Kazakhstan, on negotiations or direct actions, entailing transactions for the sale, purchase of dual-use and (or) military goods from one third country to another third country, as well as the sale, purchase, transportation of dual-use and/or military goods owned or controlled by an intermediary from one third country to another third country;

25) extraterritorial re-export – export of non-processed specific goods produced in the Republic of Kazakhstan from the territory of another foreign state to third countries;

26) export – export of goods outside the territory of the Republic of Kazakhstan, as well as the transfer of software and technologies on the territory of the Republic of Kazakhstan to foreign persons.

Article 2. Legislation of the Republic of Kazakhstan in the field of control of specific goods

1. Legislation of the Republic of Kazakhstan in the field of control of specific goods is based on the Constitution of the Republic of Kazakhstan and 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 other rules than those contained in this Law, then the rules of the international treaty shall be applied.

Article 3. The scope of application of this Law

1. This Law regulates the relations of the authorized body, state bodies of the system of control of specific goods, individuals and legal entities of the Republic of Kazakhstan when exporting, re-exporting, importing, transiting specific goods, providing extraterritorial mediation services or technical assistance, as well as foreign entities engaged in extraterritorial re-export and transit specific goods.

2. This Law shall apply to export, re-export, import, transit of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance in terms of control of specific goods for the purposes established by this Law.

Article 4. Goals and principles of control of specific goods

1. The goals of the control of specific goods are:

- 1) ensuring the national security of the Republic of Kazakhstan;
- 2) strengthening the regime of non-proliferation of weapons of mass destruction;
- 3) promoting the formation of a stable and secure system of international relations;
- 4) strengthening international security and stability, preventing the proliferation of weapons of mass destruction and their means of delivery.

2. The principles of the control of specific goods are:

- 1) priority of interests of the national security of the Republic of Kazakhstan;
- 2) compliance with international treaties of the Republic of Kazakhstan on the non-proliferation of weapons of mass destruction and their means of delivery, as well as in the field of control of specific goods;
- 3) priority of political interests in the control of specific goods;
- 4) openness of information in the field of control of specific goods in accordance with the legislation of the Republic of Kazakhstan;
- 5) non-support of terrorism;
- 6) compliance of procedures and rules for the control of specific goods with generally recognized international norms and practices.

Article 5. Checklist

1. The checklist is developed based on the goals of ensuring the national security of the Republic of Kazakhstan and the international obligations of the Republic of Kazakhstan, taking into account the checklists of international export control regimes.

2. Specific goods included in the checklist are subject to control of specific goods during export, re-export, extraterritorial re-export, import, transit, extraterritorial brokering or technical assistance.

Article 6. Types of control of specific goods

The control of specific goods shall be carried out through:

- 1) identification of specific goods;
- 2) authorization procedure for export, re-export, import, transit of specific goods, extraterritorial re-export, extraterritorial mediation services or technical assistance; transfer to third parties in the territory of the Republic of Kazakhstan of imported specific goods, as well as goods imported with the provision of warranty obligations;
- 3) information interaction of the authorized body with state bodies of the control system for specific goods;
- 4) restrictions on exports, re-exports, imports, transit of specific goods, extraterritorial re-exports, extraterritorial mediation services or technical assistance;
- 5) comprehensive control;
- 6) state control in the field of control of specific goods;
- 7) customs control over the movement of specific goods across the customs border of the Eurasian Economic Union;

8) control over the movement of specific goods across the state border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union.

Chapter 2. STATE REGULATION IN THE FIELD OF CONTROL OF SPECIFIC GOODS

Article 7. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop main directions of state policy in the field of control of specific goods;
2) make decisions within its competence on signing international treaties of the Republic of Kazakhstan in the field of control of specific goods, accession to international export control regimes;

3) approve the procedure for the implementation of information interaction between the authorized body and state bodies of the control system for specific goods;

4) approve the list of places for exercising control over the movement of specific goods across the State Border of the Republic of Kazakhstan;

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

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

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 8. Competence of the authorized body

The authorized body shall:

1) forms and implements the state policy in the field of control of specific goods;
2) controls the export, re-export, import, transit of specific goods, extraterritorial re-export , the provision of extraterritorial mediation services or technical assistance within the competence in accordance with this Law;

3) develop and approve:

licensing rules for export and import of specific goods and qualification requirements;
rules for registration and issuance of an end user certificate of the Republic of Kazakhstan and an international import certificate of the Republic of Kazakhstan and qualification requirements;

rules for issuing a permission for the transit of specific goods and qualification requirements;

rules for issuing a permission for exterritorial re-export and qualification requirements;

rules for issuing a permission for transfer to third parties in the territory of the Republic of Kazakhstan of imported specific goods, as well as goods imported with the provision of warranty obligations, and qualification requirements;

risk assessment criteria for the export of specific goods, extraterritorial re-export, the provision of extraterritorial mediation services or technical assistance, the procedure for their application;

rules for issuing permissions for the provision of extraterritorial mediation services or technical assistance and qualification requirements, the procedure for notifying and maintaining by the authorized body a list of individuals and legal entities of the Republic of Kazakhstan providing extraterritorial mediation services or technical assistance;

rules for the identification of specific goods;

rules for keeping records of foreign economic transactions with specific goods;

criteria of comprehensive control;

methodological recommendations for the creation and maintenance of an intra-company control system for specific goods;

4) carry out international cooperation in the field of control of specific goods;

5) approves the checklist;

6) develop a procedure for information interaction between the authorized body and state bodies of the control system for specific goods;

7) carry out the state control in the field of control of specific goods;

8) carry out the issuance of:

A license for the export and import of specific goods (licenses for the export of specific goods, a general license for the export of dual-use goods or goods controlled for national security, licenses for the import of specific goods);

permission for the transit of specific goods;

permission to provide extraterritorial mediation services or technical assistance;

permission for extraterritorial re-export;

permission to transfer to third parties in the territory of the Republic of Kazakhstan imported specific goods, as well as goods imported with the provision of warranty obligations ;

end user certificate of the Republic of Kazakhstan;

international import certificate of the Republic of Kazakhstan;

conclusions on the identification of specific goods;

9) maintain a list of individuals and legal entities of the Republic of Kazakhstan providing extraterritorial intermediary services or technical assistance;

10) suspend or terminate the validity of permissions in the field of control of specific goods;

11) conduct risk assessments when exporting specific goods, extraterritorial re-exports, providing extraterritorial mediation services or technical assistance;

12) 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.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 9. Competence of state bodies of the system of control of specific goods

1. State bodies of the system of control of specific goods shall:

1) participate in implementation of the state policy in the field of control of specific goods ;
2) carry out the control of specific goods within the competence established by this Law and the legislation of the Republic of Kazakhstan.

2. State revenue bodies shall:

1) carry out control over the movement of specific goods across the State Border of the Republic of Kazakhstan;

2) carry out control over the movement of specific goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union in accordance with this Law;

3) carry out customs control over the movement of specific goods across the customs border of the Eurasian Economic Union in accordance with the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan;

4) develop a list of locations of control over the movement of specific goods across the State Border of the Republic of Kazakhstan;

5) 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.

Chapter 3. CONTROL OF SPECIFIC GOODS

Article 10. Identification of specific goods

1. Individuals and legal entities of the Republic of Kazakhstan intending to export, re-export, import, transit or provide extraterritorial intermediary services or technical assistance in respect of goods (including software and technologies) shall be obliged to identify them in accordance with the checklist.

Foreign persons intending to transit goods (including software and technology) shall be obliged to identify them in accordance with the checklist.

2. In case of impossibility of unambiguous identification in accordance with the checklist, individuals and legal entities of the Republic of Kazakhstan, foreign persons shall apply to the authorized body for obtaining an opinion on the identification of specific goods.

The conclusion on the identification of specific goods shall be issued based on the results of identification carried out by the authorized body.

To study issues that require special knowledge and skills, and to obtain advice, the authorized body shall have the right to involve state bodies of the Republic of Kazakhstan, organizations, experts and specialists in the identification of specific goods.

Article 11. Control over export of specific goods

1. Export of specific goods shall be carried out by individuals and legal entities of the Republic of Kazakhstan on the basis of a license for the export of specific goods or a general license for the export of dual-use goods or goods controlled to ensure national security, unless otherwise provided by this Article.

Export of specific goods for repair, modernization, processing, replacement or return under warranty of previously imported specific goods shall be carried out by individuals and legal entities of the Republic of Kazakhstan on the basis of a license for the export of specific goods without providing a guarantee obligation.

2. Export of dual-use goods (except for nuclear and special non-nuclear materials, equipment, installations, technologies, sources of ionizing radiation, equipment and related dual-use goods and technologies, works, services related to their production) and goods controlled to ensure national security, may be carried out by individuals and legal entities of the Republic of Kazakhstan on the basis of a general license for the export of dual-use goods or goods controlled to ensure national security, indicating in it several foreign states, importers and (or) end users.

Individuals and legal entities of the Republic of Kazakhstan, exporting goods specified in part one of this paragraph, on the basis of a general license for the export of dual-use goods or goods controlled to ensure national security, shall be obliged to submit to the authorized body documents on the execution of general licenses for the export of dual-use goods. destination or goods controlled to ensure national security, within the time limits and in the manner determined by the authorized body.

3. Export of specific goods shall be carried out in the presence of a guarantee issued by the competent authority of the recipient country, except for cases provided for in part two of paragraph 1 of this Article.

The authorized body shall determine the authenticity of the warranty obligation of the recipient country in cases determined by the authorized body.

4. The export of military goods necessary for the functioning of the national contingent of the Republic of Kazakhstan outside the territory of the Republic of Kazakhstan or for the preparation for a peacekeeping operation shall be carried out without the application of control measures for specific goods on the basis of military passes issued by the Ministry of Defense of the Republic of Kazakhstan.

Export of military goods of the Armed Forces of the Republic of Kazakhstan, other troops and military formations for the fulfillment of international obligations of the Republic of Kazakhstan, as well as participation in exercises, reviews, competitions, exhibitions, parades, competitions, demonstration events, tests shall be carried out without the application of

control measures for specific goods on the basis of the list approved by the first head of the relevant state body of the Republic of Kazakhstan.

5. Export from the Republic of Kazakhstan of single units of military weapons by military personnel and employees of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, special state and law enforcement agencies of the Republic of Kazakhstan to solve combat and operational tasks shall be carried out in accordance with the legislation of the Republic of Kazakhstan without the application of control measures for specific goods.

6. Export of dual-use goods (with the exception of nuclear and special non-nuclear materials, equipment, installations, technologies, sources of ionizing radiation, equipment and related dual-use goods and technologies, works, services related to their production) and goods controlled to ensure national security, for demonstration at exhibitions, testing, research (certification), as well as sample samples taken by inspectors of international organizations in pursuance of international treaties ratified by the Republic of Kazakhstan, shall be carried out without a license for the export of specific goods, provided that these goods will not be transferred to the ownership of third parties persons and third countries.

7. Redirection of exported specific goods to another end user not specified in the export license for specific goods, the general license for the export of dual-use goods or goods controlled for national security shall be prohibited.

Article 12. Control over import of specific goods

1. Import of specific goods shall be carried out by individuals and legal entities of the Republic of Kazakhstan on the basis of a license for the import of specific goods, unless otherwise provided by this article.

Import of specific goods previously exported for repair, modernization, processing, replacement or return under warranty shall be carried out by individuals and legal entities of the Republic of Kazakhstan without a license to import specific goods.

2. The transfer of imported specific goods in the territory of the Republic of Kazakhstan from the end user or importer to third parties shall be carried out on the basis of permission to transfer to third parties in the territory of the Republic of Kazakhstan of imported specific goods, as well as goods imported with the provision of guarantee obligations of the Republic of Kazakhstan.

3. Import of previously exported military goods necessary for the functioning of the national contingent of the Republic of Kazakhstan, located outside the territory of the Republic of Kazakhstan, or for preparations for a peacekeeping operation, shall be carried out without the application of control measures for specific goods on the basis of military passes issued by the Ministry of Defense of the Republic of Kazakhstan.

Import of previously exported military goods of the Armed Forces of the Republic of Kazakhstan, other troops and military formations to fulfill the international obligations of the Republic of Kazakhstan, as well as participation in exercises, reviews, competitions,

exhibitions, parades, competitions, demonstration events, tests shall be carried out without the application of control measures for specific goods on the basis of the list approved by the first head of the relevant state body of the Republic of Kazakhstan.

Import of military goods belonging to state bodies or organizations of a foreign state, necessary for engagement during exercises, reviews, competitions, exhibitions, parades, competitions, demonstration events, tests organized by the Armed Forces of the Republic of Kazakhstan, other troops and military formations, an authorized body in areas of the defense industry and the state defense order on the territory of the Republic of Kazakhstan, shall be carried out without the application of control measures for specific goods on the basis of a list approved by the first head of the relevant state body of the Republic of Kazakhstan.

4. Import of military goods belonging to state bodies or organizations of a foreign state, necessary for engagement during exercises, reviews, competitions, exhibitions, parades, competitions, demonstration events, tests organized by the Armed Forces of the Republic of Kazakhstan, other troops and military formations, an authorized body in areas of the defense industry and the state defense order on the territory of the Republic of Kazakhstan, shall be carried out without the application of control measures for specific goods on the basis of a list approved by the first head of the relevant state body of the Republic of Kazakhstan.

5. Import of dual-use goods (with the exception of nuclear and special non-nuclear materials, equipment, installations, technologies, sources of ionizing radiation, equipment and related dual-use goods and technologies, works, services related to their production) and goods controlled to ensure national security, for demonstration at exhibitions, testing, research (certification), shall be carried out without a license to import specific goods, provided that these goods will not be transferred to third parties in the territory of the Republic of Kazakhstan.

Individuals or legal entities of the Republic of Kazakhstan, importing goods specified in part one of this paragraph, shall be obliged to export them from the territory of the Republic of Kazakhstan within a period not exceeding twelve months from the date of their importation into the territory of the Republic of Kazakhstan.

6. Imported specific goods must be delivered to the end user specified in the license for the import of specific goods and the guarantee obligation of the Republic of Kazakhstan issued by the authorized body.

Redirection of imported specific goods to another end user not specified in the license for the import of specific goods and (or) the guarantee obligation of the Republic of Kazakhstan issued by the authorized body shall be prohibited.

7. Individuals and legal entities of the Republic of Kazakhstan shall be prohibited from using imported specific goods, goods imported with the provision of guarantee obligations of the Republic of Kazakhstan, for other than the declared purposes, as well as their re-export without the permission of the competent authority of the exporting country and (or) country of origin.

Article 13. Control over transit of specific goods

1. The transit of specific goods shall be carried out by individuals and legal entities of the Republic of Kazakhstan and foreign persons on the basis of a permit for the transit of specific goods.

2. Conditions of transshipment in the territory of the Republic of Kazakhstan of specific goods transported in transit are indicated in the permit for the transit of specific goods. Information on transshipment on the territory of the Republic of Kazakhstan shall be provided in the authorized body by individuals and legal entities of the Republic of Kazakhstan and foreign persons when applying for a permit for the transit of specific goods.

Article 14. Control over provision of extraterritorial mediation services

1. Individuals and legal entities of the Republic of Kazakhstan, Individuals and legal entities of the Republic of Kazakhstan intending to provide extraterritorial mediation services for military goods shall be obliged to obtain permission to provide extraterritorial mediation services.

2. Individuals and legal entities of the Republic of Kazakhstan, intending to provide extraterritorial mediation services for dual-use goods, shall be obliged to obtain permission to provide extraterritorial mediation services in one of the following cases:

1) Individuals and legal entities of the Republic of Kazakhstan were informed by the authorized body or other state bodies of the system of control of specific goods that the results of the provision of extraterritorial mediation services can be used for the purposes indicated specified in paragraph 1 of Article 24 of this Law;

2) Individuals and legal entities of the Republic of Kazakhstan have reason to believe that the results of the provision of extraterritorial mediation services can be used for the purposes, specified in paragraph 1 of Article 24 of this Law.

Article 15. Control over provision of technical assistance

1. Individuals and legal entities of the Republic of Kazakhstan, intending to provide technical assistance for military goods, shall be obliged to obtain a permission for provision of technical assistance.

2. Individuals and legal entities of the Republic of Kazakhstan, intending to provide technical assistance, related to dual-use goods, shall be obliged to obtain a permission for provision of technical assistance in one of the following cases:

1) Individuals and legal entities of the Republic of Kazakhstan were informed by the authorized body or other state bodies of the control system for specific goods that the results of the provision of technical assistance can be used for the purposes specified in paragraph 1 of Article 24 of this Law;

2) Individuals and legal entities of the Republic of Kazakhstan have reason to believe that the results of technical assistance can be used for the purposes specified in paragraph 1 of Article 24 of this Law.

Article 16. Control over re-export of specific goods and extraterritorial re-export

1. Re-export of specific goods imported into the territory of the Republic of Kazakhstan with the provision of guarantee obligations shall be carried out by individuals and legal entities of the Republic of Kazakhstan on the basis of permission from the competent authority of the exporting country and (or) country of origin and a license for the export of specific goods.

Re-export of military goods belonging to state bodies or organizations of a foreign state, necessary to be used during exercises, reviews, competitions, exhibitions, parades, competitions, demonstration events, tests organized by the Armed Forces of the Republic of Kazakhstan, other troops and military formations, an authorized body in areas of the defense industry and the state defense order on the territory of the Republic of Kazakhstan, shall be carried out without the application of control measures for specific goods on the basis of a list approved by the first head of the relevant state body of the Republic of Kazakhstan.

State bodies or organizations of a foreign state, specified in part two of this paragraph, shall be obliged to export from the territory of the Republic of Kazakhstan military goods owned by them within a period not exceeding twelve months from the date of their importation into the territory of the Republic of Kazakhstan.

2. Extraterritorial re-export shall be carried out by foreign persons on the basis of a permit for extraterritorial re-export.

Article 17. Intracompany control system for specific goods

The creation of intra-company control systems for specific goods shall be mandatory for legal entities of the Republic of Kazakhstan that carry out scientific, scientific and technical or industrial activities to meet state needs in the field of maintaining the defense capability and national security of the Republic of Kazakhstan and systematically receive income from foreign economic transactions with specific goods.

The authorized body shall assist legal entities of the Republic of Kazakhstan in creating in-house control systems for specific goods and provides them with the necessary information and methodological assistance.

Article 18. Records of performed foreign economic transactions with specific goods

1. Individuals and legal entities of the Republic of Kazakhstan, carrying out export, re-export, import, transit of specific goods or providing extraterritorial mediation services or technical assistance shall be obliged to keep records of performed foreign economic transactions with specific goods.

2. Documents related to foreign economic transactions with specific goods must be kept for five years from the date of export, re-export, import, transit of specific goods or the provision of extraterritorial mediation services or technical assistance, unless a longer storage period is established by the legislation of the Republic of Kazakhstan.

Article 19. Guarantee obligations in relation to goods imported to the Republic of Kazakhstan

At the request of the competent authority of the exporting country and (or) the country of origin, the authorized body shall provide guarantee obligations in the form of an end-user

certificate of the Republic of Kazakhstan or an international import certificate of the Republic of Kazakhstan.

Article 20. Authorization procedure for implementation of export of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance

Permission for the export of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance shall be issued by the authorized body based on the results of a risk assessment carried out as part of information interaction with state bodies of the control system for specific goods.

Article 21. Restrictions on export, re-export, import, transit of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance

1. The Republic of Kazakhstan shall have the right to impose restrictions on export, re-export, import, transit of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance up to an embargo against foreign states and foreign persons in cases of violation of their obligations to the Republic of Kazakhstan, as well as by decisions of international organizations, of which the Republic of Kazakhstan is a member.

2. The Government of the Republic of Kazakhstan, based on the interests of the national security of the Republic of Kazakhstan, the need to fulfill the international obligations of the Republic of Kazakhstan arising from the Charter of the United Nations, international treaties of the Republic of Kazakhstan, shall have the right to determine the list of foreign states, individuals and legal entities, in respect of which export restrictions are introduced, re-export, import, transit of specific goods, extraterritorial re-export, extraterritorial mediation services or technical assistance.

Article 22. Refusal to issue permissions in the field of control of specific goods

1. Refusal to issue a permit for the export of specific goods, extraterritorial re-export, extraterritorial mediation services or technical assistance shall be carried out in the presence of one of the following cases:

1) causing damage or a threat of causing damage to the interests of the Republic of Kazakhstan;

2) violation of international obligations of the Republic of Kazakhstan;

3) a negative result based on the results of the risk assessment;

4) if an administrative penalty was imposed on the applicant for violation of the legislation of the Republic of Kazakhstan in the field of control of specific goods within one year prior to filing an application for a permit;

5) if the applicant is convicted of a criminal offense in the field of control of specific goods within one year prior to the application for a permit, or the applicant is released from

criminal liability for a criminal misdemeanor or crimes of minor and medium gravity on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

6) if the applicant has been sanctioned by the United Nations Security Council within the past five years;

7) if the applicant has violated United Nations Security Council sanctions in the past five years.

2. Refusal to issue a permit for import, transit of specific goods is carried out in the presence of one of the following cases specified in subparagraphs 1), 4), 5) and 6) of paragraph 1 of this Article.

Article 23. Suspension or termination of a permit for export, import, transit of specific goods, extraterritorial re-export, extraterritorial mediation services or technical assistance

1. The validity of a permission for export, import, transit of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance shall be suspended or terminated by the authorized body in cases established by the legislation of the Republic of Kazakhstan on permissions and notifications, as well as in the presence of one of the following cases:

1) occurrence of new facts which, had they been known or existed at the time of the application for a permit, would have led to a refusal to issue a permit;

2) the need to change the conditions in the permit;

3) nonfulfillment by the owner of the permit of the second category and (or) the licensee of obligations under the permit.

Permissions specified in part one of this paragraph shall also be terminated upon the occurrence of one of the cases specified in paragraph 4 of this Article.

2. Suspension of permission for export, import, transit of specific goods, extraterritorial re-export, provision of extraterritorial mediation services or technical assistance and re-assessment of risks shall be carried out on the basis of the cases referred to in paragraph 1 of this article, obtained from the following sources:

1) a written request of state bodies, individuals or legal entities of the Republic of Kazakhstan in the authorized body;

2) information received by the authorized body from state bodies of a foreign state and international organizations;

3) messages of mass media.

3. The term for suspending the validity of the permit specified in paragraph 1 of this Article shall not exceed thirty working days, except in cases where it is necessary to obtain confirmation of information from the competent authority of a foreign state. In this case, the period for suspension of the permission shall be terminated on the next working day from the date of receipt by the authorized body of the said confirmation.

4. The permission specified in paragraph 1 of this Article shall be terminated in the presence of one of the following cases:

1) violation by the owner of the permission of the second category and (or) the licensee of the conditions specified in the permit;

2) identification of false information in the documents submitted by the applicant for obtaining a permission;

3) termination or suspension of one or more documents on the basis of which the permission was issued;

4) termination of a permission issued by a state body of the Republic of Kazakhstan, if such a permit is associated with obtaining a permission specified in paragraph 1 of this Article.

The state bodies of the Republic of Kazakhstan that issued the permission, immediately, but no later than one working day from the date of the decision, shall notify the authorized body by sending an electronic document certified by the electronic digital signature of the authorized person of the suspension or termination of the issued permissions, if such permission is associated with obtaining the permission specified in paragraph 1 of this Article

Article 24. Comprehensive control

1. Individuals and legal entities of the Republic of Kazakhstan shall be prohibited from exporting, re-exporting, importing, transiting specific goods, extraterritorial re-exporting, providing extraterritorial intermediary services or technical assistance or participating in them in any other way if they know that the results of their actions and (or) goods will be used to create weapons of mass destruction and (or) delivery vehicles, weapons and military equipment, or in the preparation and (or) commission of acts of terrorism.

2. Individuals and legal entities of the Republic of Kazakhstan carrying out export, re-export, import, transit specific goods, provide extraterritorial intermediary services or technical assistance with goods or services not included in the control list, shall be obliged to obtain permission in the manner determined by this Law and legislation of the Republic of Kazakhstan on permissions and notifications, in one of the following cases, when they:

1) were informed by the authorized body or other state body of the control system for specific goods that the results of their actions and (or) goods can be used for the purposes specified in paragraph 1 of this Article;

2) have reason to believe that the results of their actions and (or) goods can be used for the purposes specified in paragraph 1 of this Article.

3. Individuals and legal entities of the Republic of Kazakhstan, when exporting, re-exporting, importing, transiting, providing extraterritorial mediation services or technical assistance with goods or services not included in the control list, must be guided by the criteria for comprehensive control.

Article 25. State control in the field of control of specific goods

1. State control in the field of control of specific goods (hereinafter referred to as state control) shall be carried out in order to identify violations of the requirements of the legislation of the Republic of Kazakhstan in the field of control of specific goods in regard to:

1) the use of imported specific goods for purposes other than those declared when obtaining a license to import specific goods and (or) guarantee obligations of the Republic of Kazakhstan;

2) transfer of imported specific goods, as well as goods imported with the provision of guarantee obligations of the Republic of Kazakhstan, to third parties in the territory of the Republic of Kazakhstan without obtaining an appropriate permission.

2. State control shall be carried out by the authorized body in the manner prescribed by this Article.

3. The subjects of state control are individuals and legal entities that import specific goods, as well as end users of specific goods or goods imported with the provision of guarantee obligations of the Republic of Kazakhstan.

4. The grounds for conducting state control shall be:

1) information of state bodies of the Republic of Kazakhstan;

2) applications of individuals or legal entities of the Republic of Kazakhstan;

3) information of international organizations, state bodies or organizations of foreign states;

4) information obtained from mass media.

5. State control shall be carried out by sending a request to the subject of state control and comparing the documents and (or) information received from the subject of state control with documents and (or) information received from state bodies of the Republic of Kazakhstan, international organizations, state bodies or organizations of foreign states or published in the media mass media.

6. The request of the authorized body to the subject of state control for the provision of documents and (or) information, sent by one of the following methods, shall be considered to be delivered in the following cases:

1) on purpose - with a mark of receipt;

2) by mail - by registered mail;

3) electronically - from the date of sending to the electronic address of the subject of state control, specified in the application for permission previously submitted by the subject of state control, or from the date of sending to the personal account of the subject of state control on the e-government web portal.

The commencement of the state control shall be considered the next working day after the request is received by the subject of state control.

The authorized body shall receive documents and (or) information from the subjects of state control and state bodies of the Republic of Kazakhstan in the manner specified in the

request, within a period of no more than ten calendar days through state electronic information resources.

7. The term for the implementation of state control shall not be more than thirty working days from the date of its commencement. If it is necessary to conduct research, testing and special examinations, the period for exercising state control may be extended by the head of the authorized body for twenty working days or suspended for the period of appealing against the actions (inaction) of the official or until receipt of documents and (or) information in case of failure to provide them by the subject of state control on time.

8. When exercising state control, an official of the authorized body shall be entitled to:

1) send to the subject of state control a request for the provision of documents and (or) information related to the subject of state control;

2) receive from the subject of state control documents and (or) information related to the subject of state control;

3) involve state bodies of the Republic of Kazakhstan, organizations, experts and specialists in accordance with the subject of state control and the purpose of the object of control;

4) get access to automated databases (information systems) in accordance with the subject of state control.

9. When exercising state control, an official of the authorized body shall not be authorized to:

1) check the compliance with requirements not established by the legislation of the Republic of Kazakhstan in the field of control of specific goods;

2) require the provision of documents and (or) information not related to the subject of state control;

3) to exceed the terms of state control established by this Law;

4) disclose and (or) disseminate information obtained as a result of state control, constituting state secrets and other secrets protected by law, except for the cases provided for by this Law or the laws of the Republic of Kazakhstan.

10. When exercising state control, an official of the authorized body shall be obliged to:

1) comply with the legislation of the Republic of Kazakhstan, the rights and legitimate interests of subjects of state control;

2) to carry out state control on the basis and in accordance with the procedure determined by this Law;

3) not interfere with the established mode of operation of the subject of state control during the period of state control;

4) not prevent the subject of state control or his authorized representative from giving explanations on issues related to the subject of state control;

5) provide the subject of state control with the necessary information related to the subject of state control;

6) ensure the safety of documents and (or) information obtained as a result of state control

11. When exercising state control, the subject of the state control shall be entitled to:

1) appeal against the act on the results of state control and actions (inaction) of an official of the authorized body in the manner prescribed by the laws of the Republic of Kazakhstan;

2) not comply with the requirements of an official of the authorized body that are not related to the subject of state control.

12. When exercising state control, the subject of the state control shall be obliged to:

1) within seven days from the date of receipt of the request, submit to the official of the authorized body documents and (or) information related to the subject of state control;

2) prevent changes and additions to documents and (or) information, as well as changes to the configuration and characteristics of engineering and technical means, information systems and automated databases related to the subject of state control.

13. If, as a result of the implementation of state control, the fact of violation of the legislation of the Republic of Kazakhstan in the field of control of specific goods is revealed, an official of the authorized body, within the limits of his authority, shall be obliged to take measures provided for by the laws of the Republic of Kazakhstan to bring persons who have committed violations to liability established by the laws of the Republic of Kazakhstan.

Chapter 4. CONTROL OVER THE MOVEMENT OF SPECIFIC GOODS THROUGH THE STATE BORDER OF THE REPUBLIC OF KAZAKHSTAN WITH THE MEMBER STATES OF THE EURASIAN ECONOMIC UNION

Article 26. Competence of state revenue bodies

1. Control over the movement of specific goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union shall be carried out by the state revenue authorities.

2. In order to prevent and suppress the illegal movement of specific goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, the state revenue bodies shall:

1) request and receive from individuals and legal entities moving goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, documents and information related to the goods being moved, established by the legislation of the Republic of Kazakhstan;

2) involve state bodies of the Republic of Kazakhstan, organizations, experts and specialists to study issues that require special knowledge and skills;

3) stop vehicles, conduct their examination, inspection at checkpoints on the State border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union;

4) develop, create, acquire and operate information systems, communication systems, data transmission systems, as well as means of protecting information in accordance with the legislation of the Republic of Kazakhstan;

5) acquire, operate technical means of control of specific goods;

6) produce documentation, video and audio recording, film and photography of facts and events in accordance with the legislation of the Republic of Kazakhstan;

7) 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.

Article 27. Types of control over the movement of specific goods across the state border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union

1. Control over the movement of specific goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union shall be carried out through the following types of control:

1) movement across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union of specific goods during export, import, transit, in respect of which there are permissions;

2) verification of documents and information;

3) examination or inspection, including with the use of technical means of control of specific goods.

2. In the event that specific goods are identified that are moved across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union without permission, the state revenue authority shall make a decision to prohibit the export, import or transit of specific goods and brings its decision to the attention of individuals or representatives of a legal entity possessing powers in relation to specific goods transported across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, and in their absence - individuals driving a vehicle on which specific goods are transported, by putting marks on the transport (transportation) document.

3. The list and procedure for the application of technical means of control of specific goods shall be approved by the state body in charge of ensuring the receipt of taxes and other obligatory payments to the budget.

Article 28. Forms of control over the movement of specific goods across the state border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union

1. Forms of control over the movement of specific goods across the state border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union are:

1) verification of documents and information;

2) examination;

3) inspection.

Forms of control - inspection, inspection shall be applied on the basis of recommendations of risk profiles developed and approved by the state revenue authorities.

The risk profile is understood as a set of information about the risk area, risk indicators and measures to minimize risks.

2. Verification of documents and information is a form of control, which consists in comparing the information contained in transport (shipping) and commercial documents with information obtained from information systems used by state revenue authorities, as well as in ways not prohibited by the legislation of the Republic of Kazakhstan.

3. Examination is a form of control, which consists in a visual examination of the vehicle and goods transported by this vehicle, without opening the cargo spaces (compartments), containers of vehicles, without opening the packaging of goods, disassembling, dismantling, violating the integrity of the examined objects and their parts, in other ways.

4. The grounds for examination shall be:

1) visual detection of specific goods for which, when moving across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, permits were not provided;

2) recommendations for risk profiles.

5. Inspection is a form of control, which consists in the examination of vehicles and luggage of individuals with the opening of the packaging of goods, cargo spaces (compartments) of vehicles, containers, containers or other places where specific goods are or may be located.

6. The grounds for inspection shall be:

1) availability of information from the state bodies of the Republic of Kazakhstan on the potential risk of moving specific goods without permission;

2) recommendations for risk profiles.

7. Examination and (or) inspection shall be carried out at the places of movement of goods and vehicles across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union.

8. Individuals driving vehicles moving goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union shall be obliged to be present during the inspection and (or) inspection and provide officials of state revenue bodies with the necessary assistance.

9. The state revenue bodies shall have the right to conduct inspection and (or) inspection in the absence of individuals driving vehicles moving goods across the State Border of the Republic of Kazakhstan with the Member States of the Eurasian Economic Union, in the following cases:

1) refusal of these persons to be present during the examination and (or) inspection;

2) existence of a threat to the national security of the Republic of Kazakhstan, human life and health, the environment and the occurrence of other circumstances that brook no delay,

including the presence of signs indicating that the goods are flammable substances, explosive objects, explosive, poisonous, hazardous chemical and biological substances, poisonous, toxic, radioactive substances, nuclear materials and other similar goods.

Examination and (or) inspection in the abovementioned cases shall be carried out in the presence of two witnesses.

10. The results of the examination and (or) inspection shall be documented by drawing up an act of inspection and (or) inspection immediately after their completion.

Forms of acts of examination and (or) inspection shall be approved by the state body in charge of ensuring the receipt of taxes and other obligatory payments to the budget.

The acts of examination and (or) inspection shall indicate:

1) information about the officials of the state revenue body who conducted the inspection and (or) inspection, and the persons who were present during the inspection and (or) inspection;

2) the reasons for the examination and (or) inspection in the absence of individuals driving vehicles moving goods across the State Border of the Republic of Kazakhstan with the Member States of the Eurasian Economic Union;

3) the results of the examination and (or) examination;

4) other information provided for by the forms of acts.

The acts of examination and (or) inspection shall be drawn up in two copies, one of which is handed over to individuals or representatives of a legal entity with authority in relation to goods transported across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, and in their absence - individuals driving a vehicle carrying specific goods transported across the State Border of the Republic of Kazakhstan with the Member States of the Eurasian Economic Union.

11. The procedure for verifying documents and information, examination and (or) inspection of goods transported across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union shall be approved by the state body in charge of ensuring the receipt of taxes and other obligatory payments to the budget.

Chapter 5. PROVISION OF INFORMATION IN THE FIELD OF CONTROL OF SPECIFIC GOODS

Article 29. Obligation to provide and distribute documents and (or) information in the field of control of specific goods

1. The authorized body, state bodies of the control system for specific goods shall have the right to request and receive from the state bodies of the Republic of Kazakhstan, as well as individuals and legal entities of the Republic of Kazakhstan, exporting, re-exporting, importing, transiting specific goods, providing extraterritorial intermediary services or

technical assistance, foreign persons, carrying out extraterritorial re-export or transit of specific goods, the necessary documents and (or) information related to the scope of control of specific goods.

2. Individuals and legal entities of the Republic of Kazakhstan engaged in export, re-export, import, transit of specific goods, providing extraterritorial intermediary services or technical assistance, as well as foreign entities engaged in extraterritorial re-export, transit of specific goods, shall be obliged at the request of the authorized body, state bodies control systems for specific goods to provide documents and (or) information necessary for the performance of the specified state bodies of the functions provided for by this Law and the legislation of the Republic of Kazakhstan.

The transfer of documents and (or) information related to the scope of control of specific goods to the authorized body, state bodies of the system of control of specific goods shall not be a disclosure of official, commercial, banking or other secrets protected by law.

3. The persons specified in paragraph 2 of this Article shall be responsible for the accuracy of the documents and (or) information provided in accordance with the laws of the Republic of Kazakhstan.

4. The authorized body shall post on its Internet resource a list of individuals and legal entities of the Republic of Kazakhstan providing extraterritorial intermediary services and technical assistance, lists of individuals and legal entities of the Republic of Kazakhstan and foreign persons who have committed violations of the legislation of the Republic of Kazakhstan in the field of control of specific goods.

Article 30. Use of provided documents and (or) information in the field of control of specific goods

1. The documents and (or) information provided in accordance with paragraph 2 of Article 29 of this Law shall be used in accordance with the procedure determined by this Law and the legislation of the Republic of Kazakhstan.

2. Submission and use of information constituting state secrets or other secrets protected by law, and other information contained in the submitted documents and (or) information, the distribution and (or) provision of which shall be limited in accordance with the laws of the Republic of Kazakhstan, are carried out in compliance with the requirements of the legislation of the Republic of Kazakhstan establishing the procedure for handling such information and measures for its protection.

Chapter 6. INTERNATIONAL COOPERATION IN THE FIELD OF CONTROL OF SPECIFIC GOODS

Article 31. Participation of the Republic of Kazakhstan in international sanctions related to control of specific goods

Compliance by the Republic of Kazakhstan with the sanctions of the United Nations Security Council related to the control of specific goods in relation to one foreign state or a

number of foreign states and the introduction of these sanctions into effect shall be determined by the legislation of the Republic of Kazakhstan on the basis of decisions of the United Nations or other international organizations. In some cases, such sanctions may be applied by the Republic of Kazakhstan unilaterally.

Article 32. International cooperation of the Republic of Kazakhstan in the field of control of specific goods

International cooperation of the Republic of Kazakhstan in the field of control of specific goods shall be carried out for the purposes of:

- 1) coordination of efforts and interaction with foreign states and international organizations to prevent the proliferation of weapons of mass destruction and their means of delivery;
- 2) promotion of the formation of a stable and secure system of international relations;
- 3) activation of the participation of the Republic of Kazakhstan in the international exchange of specific goods, results of intellectual creative activity, including rights to the results of intellectual creative activity, expanding opportunities for access of individuals and legal entities of the Republic of Kazakhstan to the world high technology markets;
- 4) improvement of international and domestic procedures for the control of specific goods , identification of facts of violation of the legislation of the Republic of Kazakhstan in the field of control of specific goods and the persons who committed them.

Article 33. Forms of international cooperation of the Republic of Kazakhstan in the field of control of specific goods

International cooperation of the Republic of Kazakhstan in the field of control of specific goods shall be carried out through:

- 1) participation of the Republic of Kazakhstan in international export control regimes and international forums, holding negotiations and consultations with foreign states and international organizations, mutual exchange of information, as well as the implementation of joint programs and activities on a bilateral and multilateral basis;
- 2) interactions in the field of control of specific goods with international organizations, state bodies and non-governmental organizations of foreign states in the manner prescribed by the legislation of the Republic of Kazakhstan;
- 3) assistance to individuals and legal entities of the Republic of Kazakhstan in developing contacts and exchanging information with foreign non-governmental organizations for the effective functioning of domestic procedures for the control of specific goods.

Chapter 7. FINAL PROVISIONS

Article 34. Responsibility for the breach of the legislation of the Republic of Kazakhstan in the field of control of specific goods

The breach of the legislation of the Republic of Kazakhstan in the field of control of specific goods shall entail responsibility established by the laws of the Republic of Kazakhstan.

Article 35. Appealing against decisions and actions (inaction) of officials of the authorized body and state bodies of the control system for specific goods

Decisions and actions (inaction) of officials of the authorized body and state bodies of the control system for specific goods can be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

Article 36. Procedure of enactment of this Law

1. This Law shall enter into force upon the expiry of sixty calendar days after the day of its first official publication, with the exception of paragraph 13 of Article 25, which shall enter into force after the date of entry into force of the relevant amendments and additions to the Code of the Republic of Kazakhstan on administrative infractions.

2. The Law of the Republic of Kazakhstan dated July 21, 2007 “On Export Control” shall be invalidated.

President of the Republic of Kazakhstan

K. TOKAYEV