



## **On transport in the Republic of Kazakhstan**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 21 September 1994 No. 156.

#### **Unofficial translation**

Footnote. The words shall be substituted and excluded by the Laws of the Republic of Kazakhstan dated 28 December 1998 № 338; dated 9 July 2004 № 596.

Throughout the text, after the word "Section" the numbers "I - V" shall be substituted by the numbers "1 - 5" respectively by the Law of the Republic of Kazakhstan dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

This Law defines the basis of legal, economic and organizational activities of transport of the Republic of Kazakhstan.

### **Section 1. General provisions**

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

The following basic definitions shall be used in this Law:

1) lightrail transport is a type of the urban rail transportation which is carrying out regular socially important public conveyances and baggage on separately allocated ways and characterized smaller than at the subway and the railroad, dimensions, loading capacity and speed information;

1-1) socially important passenger traffic is the public conveyances organized for the purpose of ensuring available price level and a possibility of free movement of the population across the territory of the Republic of Kazakhstan;

1-2) bulk transportation is transportation by two or more means of transport according to the uniform commodity-transport consignment note (the uniform consignment);

1-3) the contract of interaction at bulk transportations is the contract signed between the operator of bulk transportations and carriers of different types of transport;

1-4) the operator of bulk transportations is the private or legal person who is carrying out the organization of bulk transportation;

1-5) the contract of bulk transportations is the contract signed between the operator of bulk transportations and the client (the consignor, the consignee, the passenger, the charterer) for implementation of bulk transportation;

1-6) excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced after ten calendar days after day of its first official publication);

1-7) military passengers are military personnel and members of their families and also persons determined by the list of the first head of the appropriate public authority;

1-8) military cargo are all types of arms, military equipment, ammunition and other material property transported in the order determined by authorized public authority;

1-9) a military rate is the rate applied on intra republican transportations of military cargo, approved according to the legislation of the Republic of Kazakhstan;

1-10) military transportations are the transportations of troops, military cargo and military passengers who are carried out by carriers irrespective of form of ownership in the order determined by authorized public authority;

1-11) the uniform commodity-transport consignment note (the uniform consignment) is the document certifying acceptance of a load by the operator of bulk transportations in the maintaining for delivery of a load to the destination;

2) the client (the consignor, the consignee, the passenger, the charterer) is the private or legal person using transport according to the signed contract with carrier, and at bulk transportations according to the signed contract of bulk transportations;

3) transport infrastructure facilities - a technological complex, including railway, tram, light rail, monorail and inland waterways, highways, tunnels, overpasses, bridges, railway stations and stations, passenger service points, metro lines, ports, port facilities, shipping hydraulic structures (gateways), airfields, airports, transport and logistics centers, objects of communication systems, navigation and vehicle traffic control, the main pipeline, as well as other buildings, structures, devices and equipment that ensure the functioning of the transport complex;

4) a transport company - a legal entity, engaged in transportation of freights, passengers, luggage, as well as in storage, maintenance and repair of vehicles, and operating in accordance with the legislation of the Republic of Kazakhstan;

5) transport logistics - a set of interrelated activities of the transportation process participants for planning and managing transportations of cargoes from a shipper (producer) to a receiver of cargoes through the best route, using various types of transport (railway, road, marine transport, inland waterway and air transport), including monitoring over the movement of cargoes at each phase of transportation;

5-1) transport and logistics centre – a facility of transportation infrastructure, including a specially allocated area with located buildings on it, designed and suitable to perform preparatory, distributive, final and manufacturing operations with goods and means of transport as well as examination, including customs and border operations in accordance with the law of the Republic of Kazakhstan;

5-2) object of tracking - goods (products) and vehicles determined in accordance with international treaties ratified by the Republic of Kazakhstan concluded under the Eurasian Economic Union, the legislation of the Republic of Kazakhstan;

6) transport of the Republic of Kazakhstan – the railway, road, marine, inland waterway, air, urban rail transport, registered within the Republic of Kazakhstan, as well as the main pipeline transport, located on the territory of the Republic of Kazakhstan;

7) urban rail transportation is a type of transport (the subway, the tram, lightrail, monorail transport) intended for public conveyance in the ways in borders of the city and a residential suburb;

8) underground – the type of urban rail transport, performing regular socially important passenger and luggage transportations by the routes, isolated (separated, without sibling intersections) from the lines of other types of transport and crossing over them by pedestrians;

8-1) navigation seal - a technical device consisting of an element of sealing and an electronic unit, functioning on the basis of technologies of navigation satellite systems and ensuring the transfer of information related to the object of tracking, which meets the requirements established by the law of the Eurasian Economic Union;

8-2) tracking of transportation using navigation seals - a process that includes activation of the navigation seal, monitoring the object of tracking, deactivation of the navigation seal and the transfer of data obtained during monitoring the object of tracking;

8-3) the information system of tracking of transportation is an information system that includes a hardware and software complex that operates on the basis of navigation satellite systems and navigation seal;

8-4) national operator of the information system of tracking of transportation - a legal entity that ensures tracking of transportations using navigation seals;

9) a carrier – an individual or a legal entity that owns a vehicle on the ownership right or otherwise lawfully, providing services for transportation of passengers, luggage, cargoes and mailings for a fee or salary and possessing a license or a relevant permit, issued in accordance with the established order;

10) excluded by the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication);

11) an authorized state body - the central executive body, implementing the state policy in transport area, coordination and regulation of the transport complex of the Republic of Kazakhstan.

Other concepts used in this Law, in order to track transportations using navigation seals, are applied in the meaning in which they are used in international treaties ratified by the Republic of Kazakhstan, concluded under the Eurasian Economic Union, the legislation of the Republic of Kazakhstan.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan, dated 16.05.2014 No 203-V (shall be enforced upon expiry of six months after its first official publication); dated 10.11.2014 No 249-V (shall be enforced upon expiry of ninety calendar

days after its first official publication); dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication); dated 27.10.2015 № 364-V (shall be enforced after ten calendar days after day of its first official publication); dated 05.05.2017 № 59-VI (shall be enforced after ten calendar days after day of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced after ten calendar days after day of its first official publication); dated 29.12.2022 № 174-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 21.05.2024 № 86-VIII (shall be enforced six months after the day of its first official publication).

## **Article 2. Legislation on transport**

Legislation of the Republic of Kazakhstan on transport shall be based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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 be applied.

Relations, associated with the activities of a pipeline transport shall be regulated by the relevant legislation of the Republic of Kazakhstan.

Conditions of carriage, the order of use of vehicles, safety in technical regulations ( hereinafter - the security) of vehicles and their life cycle processes for human life and health and the environment shall be defined by the regulations, applied at the relevant types of transport, approved in the established order and mandatory for all participants of transport relations.

**Footnote.** Article 2 is amended by the Law of the Republic of Kazakhstan dated 28 December 1998 № 338; dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); dated 29 December 2006 № 209 (the order of enforcement see Art. 2).

### **Article 2-1. Principles of transport logistics**

Transport logistics principles shall be the following:

- 1) lawfulness;
- 2) focus on the customers' needs;
- 3) security;
- 4) safety;
- 5) unity of procedures;
- 6) equal access;
- 7) integration into the global transport and logistics system.

**Footnote.** Section 1 is supplemented by Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 3. On ownership of transport means**

Public highways (with the exception of those sold to the state Islamic special financial company by the decision of the Government of the Republic of Kazakhstan), navigable waterways, lighthouses, devices and navigation signs regulating and guaranteeing the safety of navigation, locks, air navigation devices of air traffic control bodies, engineering networks related to the safety of aircraft flights, as well as the metro are the state property and are not subject to alienation.

Air navigation devices of air traffic service bodies are state property, and in cases provided for by the laws of the Republic of Kazakhstan, may be privately owned.

The main railway network is not subject to privatization and is transferred to the national management holding on the terms and in the manner established by the authorized state body for transfer to the National Railway Company with subsequent transfer to the National infrastructure operator.

Mainline, station tracks and other objects of the mainline railway network owned by the state are transferred to the national management holding on the terms and in accordance with the procedure established by the authorized state body for transfer to the National Railway Company with subsequent transfer to the National infrastructure operator.

Seaports with the status of international significance are not subject to privatization and may be transferred to pay for shares of the national management holding, national holding, national company on the terms and in accordance with the procedure established by the Government of the Republic of Kazakhstan.

Access roads and narrow-gauge lines, as well as highways, with the exception of those specified in part one of this article, may be in both state and private ownership.

**Footnote. Article 3 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Article 4. Transport lands. The procedure for allotment of lands and waters for transport needs**

Transport lands in the republic are recognized:

- the lands, allotted to land users for transport facilities;
- the lands for transport roads and tracks routes, allotted to transportation, road and other organizations, involved in their construction and operation.

Land and water relations, arising during the land allocation for transport and granting of waters for water transport, the order of their use shall be regulated by the land, water and transport legislation.

In order to ensure reliable operation of the facilities and other transportation objects in the areas, prone to landslides, mudslides, blurring and other natural hazards, the protective zones shall be established.

Transport companies and carriers are obliged to use allotted to them lands in accordance with their designated purpose and conditions for their allotment, to apply environmental protection technologies of production and prevent deterioration of the environmental situation in the territory in the result of their activities.

**Footnote. Article 4 is amended by the Law of the Republic of Kazakhstan dated 28 December 1998 № 338.**

## **Section 2. The system of state regulation and transport management**

### **Article 5. State regulation of transport activity**

The state regulation of transport activity shall be carried out through the regulatory support, licensing, technical regulation, taxation, crediting, funding and pricing, investment, the unified social and scientific-technical policy implementation, realization of control and supervision over the implementation of the legislation of the Republic of Kazakhstan by the transport companies.

State agencies shall not be entitled to interfere with the economic activity of transport companies, as well as to divert operational personnel of transport companies to other works, except for the cases, stipulated by the legislation of the Republic of Kazakhstan.

In order to handle situations that threaten political, economic and social stability of the Republic of Kazakhstan or its political sub-division, as well as the life and health of people, the state bodies, within their competence, established by the legislation of the Republic of Kazakhstan, shall publish regulatory legal acts on the use of railway, motor road, marine, inland waterway and air transport, administered by the state bodies.

The authorized public authority develops and approves rules of performance and registration of military transportations by carriers irrespective of form of ownership, including an order of application of military rates on means of transport.

**Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Art. 2); dated 06.01.2011 № 378 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 № 63 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced after ten calendar days after day of its first official publication).**

### **Article 6. The state management of transportation**

Transportation management shall be carried out by the authorized state body, established under the resolution of the President of the Republic of Kazakhstan and acting in accordance with the Regulations, approved by the Government of the Republic of Kazakhstan.

The main tasks of the authorized state body are:

the protection of the interests of the Republic of Kazakhstan in the field of transport;

international cooperation in the field of transport;  
development of drafts of regulatory legal acts, governing the transport activity in the Republic of Kazakhstan, and participation in development of national standards;  
formation and implementation of the investment, scientific, technical and social policy;  
creation of conditions to meet the needs of the economy and people of the country in carriage, including the socially significant passenger carriage and the related services;  
the use of new technologies, including information and communication technologies, means of facilitating the mobility of devices and technologies adapted for persons with disabilities, in the implementation of passenger transportation;  
training of transport workers engaged in passenger transportation in communication skills and provision of services to persons with disabilities, including training in sign language;  
control and supervision over the observance of the rights of consumers of transport services;  
development of forecast of the needs of the state and population in carriage;  
coordination and implementation of the state regulation of the transport complex activity of the Republic of Kazakhstan.  
consideration of draft documents on standardization within the competence, as well as preparation of proposals for the development, modification, revision and abolition of national, interstate standards, national classifiers of technical and economic information and recommendations on standardization for submission to the authorized body in the field of standardization.

**Footnote.** Article 6 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 09.07.2004 № 596; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 06.01.2011 № 378 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 31 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 № 124 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication); dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication).

#### **Article 6-1. Tracking of transportation using navigation seals**

1. Tracking of transportation using navigation seals is carried out in accordance with international treaties ratified by the Republic of Kazakhstan concluded within the framework of the Eurasian Economic Union, by the legislation of the Republic of Kazakhstan.

2. Places of application and removal of navigation seals, persons imposing (removing) navigation seals and are present during such imposition (removal), operations on the

application (removal) of navigation seals in the customs territory of the Eurasian Economic Union and the procedure for their commission, including the submission of documents (information) when tracking using the navigation seals, storage of such documents (information), as well as the procedure for destroying (elimination) of information previously entered in the navigation seal are determined by the law of the Eurasian Economic Union or the legislation of the Republic of Kazakhstan.

3. The safety of the navigation seals is ensured by carriers that carry out transportation using navigation seals.

**Footnote. Section 2 is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced six months after the day of its first official publication).**

#### **Article 6-2. National operator of the information system of tracking of transportation**

1. The National operator of the information system of tracking of transportation is determined by the Government of the Republic of Kazakhstan and is a subject of special law.

2. The National operator of the information system of tracking of transportation ensures the work of the information system of tracking of transportation on an ongoing basis within twenty -four hours a day, seven days a week.

3. The national operator of the information system of tracking of transportation ensures the storage of information and data in the information system of tracking of transportation for five years. The specified period of storage is calculated from the day following the day of deactivation of the navigation seal used in tracking of transportation.

4. For non -fulfillment or improper performance of the obligations specified in paragraphs 2 and 3 of this article, the National operator of the information system of tracking of transportation bears responsibility, established by the laws of the Republic of Kazakhstan.

5. Relations between the national operator of the information system of tracking of transportation and the carrier, as well as other parties interested in tracking of transportation using navigation seals, are carried out on a contractual basis in accordance with the civil legislation of the Republic of Kazakhstan.

6. The procedure for interaction (including information) between the national operator of the information system of tracking of transportation and the authorized body in the field of customs during tracking of transportation using navigation seals is determined by the authorized body in the field of customs.

**Footnote. Section 2 is supplemented by Article 6-2 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2024 № 86-VIII (shall be enforced six months after the day of its first official publication).**

#### **Article 7. Licensing of transport activities**



The list of certain types of activities in transport, subject to licensing, shall be established by the legislative acts.

Footnote. Article 7 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.1998 № 338; as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 №461 -IV (shall be enforced from 30.01.2012); dated 10.07.2012 № 36 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 8. The competence of local representative and executive bodies on transport**

The competence of local representative and executive bodies on transport field shall be implemented in accordance with the Law of the Republic of Kazakhstan "On local government and self-government in the Republic of Kazakhstan" and other regulatory legal acts of the Republic of Kazakhstan.

During organization of a passenger's carriage on regular inter-republican routes of the passenger transport, the carriers should enter into contracts for maintenance of these routes with local executive bodies or their authorized bodies that organized corresponding carriage, unless otherwise provided by the Laws of the Republic of Kazakhstan.

The organization of regular socially important public conveyances by urban rail transportation is carried out by local executive body of the corresponding administrative and territorial unit in which urban rail transportation is located.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 28.12.2010 № 369 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced after ten calendar days after day of its first official publication); dated 05.05.2017 № 59-VI ( shall be enforced after ten calendar days after day of its first official publication).

### **Section 3. Basic provisions of transport activity**

#### **Article 9. The basis of economic and business activities**

The basis of economic and business relations in transport area is formed by the supply-and- demand market of transport services.

Transport companies and carriers carry out their activities on a commercial basis.

Transport companies and carriers develop plans independently and enter into contracts for execution of works and services in accordance with customer needs.

The public authorities who made decisions on the organization of passenger traffic which profitability is not provided with the operating adjustable rates shall provide subsidizing of losses or expenses of carriers at the expense of budgetary funds according to the legislation of the Republic of Kazakhstan.

In the presence of urban rail transportation the local executive body approves Rules of subsidizing of passenger traffic by urban rail transportation.

Rendering of services on passenger traffic by lightrail transport can be carried out on the basis of the contract between local executive body and the company which is carrying out functions of management of objects of transport infrastructure of the capital.

Maintenance of navigable waterways, locks, and inspections of shipping safety shall be carried out at the expense of budget funds.

For the use of the main railway network, public ports, for flight control and air navigation services in the airspace of the Republic of Kazakhstan, the legal entities and individuals, including the foreign ones shall pay fees in the order and in the amount, defined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 15.12.2001 № 272 (shall be enforced from 01.01.2002); dated 24.12.2001 № 276 (shall be enforced from 01.01.2002); dated 09.07. 2004 № 596; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 28.12.2010 № 369 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 378 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 № 461 -IV (shall be enforced from 30.01.2012). dated 02.07.2014 № 225-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication);dated 09.04.2016 № 494-V (shall be enforced from 01.01.2017); dated 05.05.2017 № 59-VI (shall be enforced after ten calendar days after day of its first official publication); dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018).**

## **Article 10. Tariffs**

On transportation of goods, passengers, baggage and the services connected with transportations including at bulk transportations, are established the free (contractual) rates (except the cases provided by a part of the fourth article 9 of the present Law) providing activity of carriers and transport enterprises.

The regulated tariffs (uniform tariff within the state) may be established for certain types of transport services as a mean of the state social policy or as a mean to overcome monopoly activity in transport field, in the order established by the legislation of the Republic of Kazakhstan.

On intra republican transportations of military cargo military rates are applied, and on transportations of military cargo outside the Republic of Kazakhstan rates according to international treaties of the Republic of Kazakhstan are applied.

Transportations of the military passengers and military cargo transported by baggage and cargo baggage on means of transport are carried out on the rates applied on public conveyances, baggage and cargo baggage.

**Footnote. Article 10 is amended by the Law of the Republic of Kazakhstan dated 28 December 1998, № 338; dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced after ten calendar days after day of its first official publication).**

#### **Article 11. Transportation of cargoes, passengers, luggage, mailings, rendering of forwarding services**

Upon transporting cargoes, passengers, luggage, mailings and rendering transport and forwarding services, a carrier is obliged:

- to have a permission, authorized by the Law of the Republic of Kazakhstan “On permissions and notifications”;
- to conclude an agreement (a contract) with a client in a prescribed form;
- to provide vehicles with the documents of compliance certification;
- to compensate damage, caused to a client and a third party, including the loss of time in money terms;
- to ensure safety of passenger, create for him/her necessary comfort, conditions of service, and provide timely transportation and safety of luggage in the event of checking in luggage by a passenger;
- to ensure traffic safety;
- to provide freedom of choice of transport on the transport services market to the client;
- to receive documents, confirming compliance of being shipped cargo with its certificate of consignment;
- to fulfill the requirements of the state bodies within their competence to carry out specific and military transportations (expenditures for such transportations shall be reimbursed from the budget in accordance with the legislation of the Republic of Kazakhstan);
- to insure its civil liability before the passengers in the order, specified by legislative acts of the Republic of Kazakhstan on compulsory insurance;
- to provide persons with disabilities with the accessibility of passenger transportation, carrier services, service information, create the necessary amenities and conditions for the provision of transportation services to them.

When public authorities hold tenders for the right to service passenger transportation routes, persons whose vehicles are adapted for access for persons with disabilities have an advantage.

The carrier has the right to freely quote the prices of transportations according to rules of pricing, except for cases when adjustable rates are established.

A carrier has not right to refuse rendering transportation services to legal entities and individuals except for the cases, provided for by the legislative acts on transport of the Republic of Kazakhstan.

Upon transporting cargo, passengers, luggage, mailing, rendering transport and forwarding services, a customer has the right to:

- require fulfillment of a contract, concluded between him and a carrier;
- challenge the compliance of transportation with its certificate in accordance with the established procedure;
- require compensation for damages, including the loss of time in money terms.

A client is obliged to:

- comply with the terms of the contract, concluded with a carrier;
- to provide a carrier with a document, confirming cargo's certification compliance;
- to follow the rules of transportation;
- to provide cargoes and luggage in a form, ready for transportation.

Passenger shall be obliged to come to the point of departure until transportation not later than the time, established by the rules of transportation. An arrival time at the point of departure shall be specified in the ticket.

Individual rights and responsibilities of a client and a carrier shall be defined by an agreement of the parties in a contract of carriage.

Conditions of transportation of cargoes, passengers, luggage, mailings, carrying out transport and forwarding and responsibilities of the parties for transportation and forwarding services shall be defined by the regulatory legal acts and contracts of carriage.

In the presence of urban rail transportation the local executive body approves Rules of public conveyances by urban rail transportation.

**Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 08.05.2003 № 414; dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 04.07.2013 № 132-V (the order of enforcement see Article 2); dated 16.05.2014 No 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 494-V (shall be enforced after ten calendar days after day of its first official publication); dated 05.05.2017 № 59-VI (shall be enforced after ten calendar days after day of its first official publication); dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).**

## **Article 12. Bulk transportation**

The railway, marine, inland water, air and motor transport will organize the system of bulk transportations using the principles of transport logistics and use of transport infrastructure.

The client (the consignor, the consignee, the passenger, the charterer), the operator of bulk transportations and carriers of different types of transport are participants of bulk transportations.

The order and conditions of implementation of bulk transportations, basic provisions and order of signing of the contracts of bulk transportations and interaction at bulk transportations are established by the rules of bulk transportations approved by authorized public authority.

**Footnote. Article 12 in edition of the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).**

### **Article 12-1. Contract of bulk transportations**

1. The contract of bulk transportations has to contain:

- 1) rights and client's duties (consignor, consignee, passenger, charterer) and operator of bulk transportations;
- 2) responsibility of the client (consignor, consignee, passenger, charterer) and operator of bulk transportations;
- 3) order of filling of the uniform commodity-transport consignment note (uniform consignment);
- 4) terms and delivery terms;
- 5) destinations;
- 6) volumes of cargo;
- 7) cost and payment procedure.

The contract of bulk transportations may contain other conditions of the organization of bulk transportation which aren't provided by the present Law and rules of bulk transportations

2. The operator of bulk transportations has the right:

- 1) to refuse bulk transportation of a load which on the properties, weight and dimensional parameters doesn't correspond to the data on a load specified in the contract of bulk transportation;
- 2) in case there is no opportunity to deliver a load owing to force majeure to the new destination specified by the client (the consignor, the consignee, the passenger, the charterer), to refuse bulk transportation and to return a load to the consignor, previously having notified him on it. At the same time additional expenses of the operator of bulk transportations are paid by the consignor (consignee) if other isn't provided by the contract;
- 3) to demand from the client (the consignor, the consignee, the passenger, the charterer) of appropriate performance of obligations under the contract of bulk transportations.

The operator of bulk transportations has also other rights established by laws of the Republic of Kazakhstan and the contract of bulk transportations.

3. The operator of bulk transportations is obliged:

- 1) at the scheduled time to accept a load;
- 2) to organize transportation of a load with use of different types of transport from the point of departure to the destination;
- 3) to provide monitoring of the movement of a load at each stage of transportation;
- 4) to ensure safety of a load on all transit;
- 5) to provide delivery of a load at the scheduled time;
- 6) to provide delivery of a load to the person (consignee) authorized for receiving a load.

The operator of bulk transportations performs also other duties established by laws of the Republic of Kazakhstan and the contract of bulk transportations.

4. The client (the consignor, the consignee, the passenger, the charterer) has the right:

- 1) to obtain information on a route, structure and means of transport for transportation of the stated load;
- 2) to demand from the operator of bulk transportations of appropriate performance of obligations under the contract of bulk transportations;
- 3) to demand compensation of the damage caused at bulk transportation, at presentation of written documentary proofs.

The client (the consignor, the consignee, the passenger, the charterer) has also other rights according to laws of the Republic of Kazakhstan and the contract of bulk transportations.

5. The client (the consignor, the consignee, the passenger, the charterer) is obliged:

- 1) to provide a load to the operator of bulk transportations according to the term specified in the contract of bulk transportation;
- 2) to pay to the operator of bulk transportations all due payments stipulated in the contract of bulk transportation.

**Footnote. Section 3 is supplemented with article 12-1 according to the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).**

#### **Article 12-2. The contract of interaction at bulk transportations**

1. The contract of interaction at bulk transportations has to contain:

- 1) the rights and obligations of operator of the bulk transportations and carriers involved at bulk transportation;
- 2) conditions and procedure of bulk transportation;
- 3) cost and payment procedure;
- 4) an order of interaction of carriers and transfer of a load from one type of the vehicle on another;

5) order of filling of the uniform commodity-transport consignment note (uniform consignment);

6) terms and delivery terms.

The contract of interaction at bulk transportations may contain other conditions of the organization of bulk transportation which aren't provided by the present Law and rules of bulk transportations.

2. The operator of bulk transportations has the right:

1) to refuse to carrier bulk transportation of a load if the vehicle of carrier on the properties, weight and dimensional parameters doesn't correspond to the load parameters specified in the contract of interaction at bulk transportations;

2) in case there is no opportunity to deliver a load owing to force to the new destination specified by the client (the consignor, the consignee, the passenger, the charterer), to refuse bulk transportation and to provide return of a load to the consignor, previously having notified him on it. Additional expenses of carrier are refunded by the operator of bulk transportations if other isn't provided by the contract;

3) to demand from carrier of appropriate performance of obligations under the contract of interaction at bulk transportations;

4) to demand compensation of the damage caused at bulk transportation, at presentation of written documentary proofs.

The operator of bulk transportations has also other rights established by laws of the Republic of Kazakhstan and the contract of interaction at bulk transportations.

3. The operator of bulk transportations is obliged to give a load to carrier at the scheduled time.

The operator of bulk transportations performs also other duties established by laws of the Republic of Kazakhstan and the contract of interaction at bulk transportations.

4. The carrier of bulk transportation has the right:

1) to refuse bulk transportation of a load which on the properties, weight and dimensional parameters doesn't correspond to the data on a load specified in the contract of interaction at bulk transportations;

2) to make unloading of a load if further transportation of a load threatens safety of transportation and safety of a load.

The carrier of bulk transportation has also other rights established by laws of the Republic of Kazakhstan and the contract of interaction at bulk transportations.

5. The carrier of bulk transportation is obliged:

1) to immediately notify the operator of bulk transportations on the arisen safety hazard of transportation and safety of cargo on the piece of following, to observe the instructions of the operator of bulk transportations received at the same time and also the actions for safety of transportation and safety of cargo made by it;

2) at acceptance of a load to check the accuracy of entries in the uniform commodity-transport consignment note (the uniform consignment) concerning a load and its packaging;

3) to control laying and fastening of a load for the purpose of respect for the established norms of loading of the vehicle, safety of performance of transportation and safety of a load;

4) to provide to the operator of bulk transportations information on a route, structure and means of transport for transportation of the stated load;

5) to give to the operator an opportunity of tracking of the location of a load on the respective site of transportation;

6) to transfer a load to the following carrier of bulk transportation to the time established by the contract of interaction at bulk transportation or to the person (consignee) authorized for receiving a load.

The carrier of bulk transportation performs also other duties established by laws of the Republic of Kazakhstan and the contract of interaction at bulk transportations.

**Footnote. Section 3 is supplemented with article 12-2 according to the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).**

### **Article 12-3. Uniform commodity-transport consignment note (uniform consignment)**

Rendering services and implementation of terms of the contract of bulk transportations make sure the uniform commodity-transport consignment note (the uniform consignment) by which acceptance of bulk transportations by the operator and carriers of a load in the maintaining for delivery of a load to the destination according to terms of the contract of bulk transportations and contracts of interaction at bulk transportations is confirmed.

The form and order of filling of the uniform commodity-transport consignment note (the uniform consignment) are established by the rules of bulk transportations approved by authorized public authority.

At the international bulk transportations the uniform commodity-transport consignment note (the uniform consignment) of the international sample accepted by the international organizations is applied.

**Footnote. Section 3 is supplemented with article 12-3 according to the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).**

### **Article 13. The rights of passengers. Travel privileges for certain categories of passengers**

A passenger has the right to:

- buy a ticket for any type of transport and for any route, opened for passenger traffic;
- get a seat according to the ticket bought;



- take one child under 7 for free, at the international traffic - under 5 years of age for all types of transport, except air transportations, without the right for a seat for the child on the railway, marine and inland waterway transport, intercity-service buses, as well as on urban and suburban transport, except taxis;

- buy tickets for children aged 5 -12 for international carriage with 50 percent discount for the total ticket price for all types of transport except air;

- buy tickets for children aged 7 - 15 years with 50 percent discount of the total ticket price to the transportations, carried out by a carrier of the Republic of Kazakhstan for all types of transports except air;

- take one child under the age of 2 years for free in air transport without the right for a seat for the child;

- purchase tickets for children aged 2 to 15 years by air transport with payment of 50 percent of the regular fare, with the exception of international transportation;

- purchase tickets for children aged 2 to 12 years on international transportations carried out by the carrier of the Republic of Kazakhstan by air, paying 50 percent of the usual fare.

If carriage is performed by several carriers of different countries with participation of a carrier of the Republic of Kazakhstan, this right shall be given to the passengers when being transported by a carrier of the Republic of Kazakhstan:

- to extend validity of a ticket at a stopover for not more than 10 days in all types of transport, except urban and suburban transport. A carrier shall be entitled to prolong validity of the ticket at a stopover;

- return the ticket before the start of transportation and get back the amount paid for the transportation at any institution of the carrier providing transportation services. The return procedure is determined in accordance with the legislation of the Republic of Kazakhstan.

On city and suburban bus transportation, free carry-on baggage and baggage weighing no more than 20 kilograms is established.

In air transport, the weight, dimensions, norms of free carry-on baggage and baggage are set by the carrier.

A free carriage of luggage and hand luggage, weighing no more than 35 kg shall be established at the railway, marine, inland waterway transports, as well as the inter-city buses.

Carriers are entitled to increase the weight of the carried luggage for all types of transport and to establish other privileges.

A carrier that refused to continue transportation is obliged to deliver passengers to their destination points at his own expense or to reimburse all losses, caused to the passenger by the termination of a contract.

In the cases, established by the Laws of the Republic of Kazakhstan, the resolutions of the Government of the Republic of Kazakhstan, the decisions of local representative and executive bodies, the carriers shall be obliged to transport a certain category of passengers free of charge or offer them other travel privileges.

The Government of the Republic of Kazakhstan, as well as the local representative and executive bodies, when specifying the certain categories of people for travel privileges, including the right to free passage, the source of funding shall be defined and the executive bodies shall sign a contract with the carriers.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 29.09.2005 № 77 (shall be enforced from 01.01.2006); dated 15.07.2010 № 340 -IV (the order of enforcement see Art. 2); dated 19.04.2019 № 249-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

#### **Article 14. Transit traffic of cargoes and passengers**

Transit traffic of cargoes and passengers through the territory of the Republic of Kazakhstan shall be carried out by:

railway, air, road, marine and inland waterway transports by motor roads, highways and waterways, opened for interstate traffic in accordance with the current legislation of the Republic of Kazakhstan, international agreements and treaties.

#### **Section 4. Security, energy efficiency and responsibility on transport**

Footnote. The title of Section 4 is in the wording of the Law of the Republic of Kazakhstan dated 13.01.2012 № 542 -IV (shall be enforced upon expiry of six months after its first official publication).

#### **Article 15. Requirements for vehicles**

Vehicles shall meet the requirements of energy efficiency, security of life and human health, environment, established by technical regulations in the field of transport, have a conformity assessment document, and must be registered in the order, specified by the legislation of the Republic of Kazakhstan.

The procedure for conformity of vehicles shall be defined by the legislation of the Republic of Kazakhstan.

The vehicles that do not meet safety requirements, established in accordance with the legislation of the Republic of Kazakhstan on technical regulation, shall not be imported, sold and exploited.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2006 № 209 (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 13.01.2012 № 542 -IV (shall be enforced upon expiry of six months after its first official publication); dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 15-1. The state registration of vehicles of urban rail transport**

The procedure of the state registration of vehicles of urban rail transport shall be defined by the Government of the Republic of Kazakhstan.

Fee is charged in the order and in the amount, specified by the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code) for the state registration of vehicles of urban rail transport.

**Footnote.** Section 4 is supplemented with Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan, dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 15-2. Transport and logistic centers**

1. In the territory of the Republic of Kazakhstan depending on the carried-out operations the international and regional transport and logistic centers can be created.

The international transport and logistic centers are intended for performance of operations with the cargo and vehicles moved through customs border of the Eurasian Economic Union, including survey including customs and boundary operations according to the legislation of the Republic of Kazakhstan.

The regional transport and logistic centers are intended for performance of operations with cargo and vehicles within the Eurasian Economic Union.

2. The authorized public authority develops and approves standard requirements for arrangement and hardware of the transport and logistic centers.

**Footnote.** Section 4 is supplemented with the Article 15-2 in accordance with the Law of the Republic of Kazakhstan, dated 10.11.2014 No 249-V (shall be enforced upon expiry of ninety calendar days after its first official publication); in edition of the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 16. A driving license**

A driving license shall be given to the person who has an appropriate qualification and passed a medical examination with the documents of an established form.

Qualification requirements for driving a vehicle and physical and health qualifications shall be defined in the order, established by the regulatory legal acts of the Republic of Kazakhstan.

**Footnote.** Article 16 as amended by the Law of the Republic of Kazakhstan dated 28 December 1998 № 338.

#### **Article 17. Responsibility of carrier and participants of bulk transportations**

Agreements of carrier with passengers and cargo owners, and at bulk transportations of the operator of bulk transportations with the client (the consignor, the consignee, the passenger, the charterer), carrier with the operator of bulk transportations about restriction or elimination of the responsibility established by laws of the Republic of Kazakhstan are invalid, except for cases when the possibility of such agreements when transporting a load is provided by them.

The carrier ensures safety of cargo, baggage and mailings from the moment of their acceptance to transportation and before delivery to the receiver.

The carrier is responsible for loss, shortage or damage of a load or baggage if it doesn't prove that loss, the shortage or damage of a load or baggage occurred not through his fault.

At bulk transportations the operator of bulk transportations bears responsibility to the client (the consignor, the consignee, the passenger, the charterer) for loss, shortage or damage of a load, delay in delivery if he doesn't prove that loss, the shortage or damage of a load and also delay of delivery of a load occurred not through his fault and also for actions and omissions of the workers or the third parties involved in performance of the contract according to the legislation of the Republic of Kazakhstan.

The carrier participating in bulk transportation bears responsibility to the operator of bulk transportations for loss, shortage or damage of a load, delay in delivery if it doesn't prove that loss, the shortage or damage of a load and also delay of delivery of a load occurred not through his fault, from the moment of reception of a load to transportation and until its transfer to other carrier or delivery to the client (the consignor, the consignee, the passenger, the charterer).

The damage caused in transit a load or baggage is compensated:

1) in cases of loss or shortage – in the amount of the cost of the lost or missing load or baggage;

2) in case of damage (damage) of a load or baggage – in the amount of the sum for which their cost went down, and at impossibility of recovery of the damaged load or baggage – in the amount of their cost;

3) in case of loss of the load or luggage which is checked in to transportation with the announcement of its value – in the amount of the declared value of a load or baggage.

The cost of a load or baggage is defined proceeding from their price which is established depending on types of transport and transport by the rules (technique) approved by authorized public authority or on the basis of the principles of the relevant international treaties signed by the Republic of Kazakhstan.

Documents on the reasons of not safety of a load or baggage (the commercial act, the act of the general form and other documents) made by carrier, and at bulk transportations – the operator of bulk transportations or the carrier participating in bulk transportations, unilaterally

, in case of a dispute, are subject to assessment by court along with other documents certifying circumstances which can form the basis for responsibility of carrier, the sender or the consignee or baggage.

If as a result of damage for which the carrier is responsible and at bulk transportations – the operator of bulk transportations and the carrier participating in bulk transportations, quality of a load or baggage changed so that it can't be used directly, the consignee or baggage has the right to refuse and demand from it compensation for its loss.

In cases of loss or shortage of a load or baggage carrier, and at bulk transportations – the operator of bulk transportations to the client (the consignor, the consignee, the passenger, the charterer) and the carrier participating in bulk transportations returns to the operator of bulk transportations together with payment of compensation a payment for transportation of the lost load or baggage.

The registered baggage or load is considered lost if it is recognized by the carrier and at bulk transportations of the bulk transportations by the operator and carrier participating in bulk transportations or if this baggage or a load didn't arrive in the destination of transportation within seven days after delivery period.

However, if the baggage or a load arrived after the specified term, the receiver has the right to accept a load and to return the sum paid by carrier for loss of baggage or a load, and at bulk transportations the sum for loss of baggage or a load can be returned by the client (the consignor, the consignee, the passenger, the charterer) to the operator of bulk transportations, the operator of bulk transportations – to carrier.

By laws of the Republic of Kazakhstan also other types of responsibility of carrier and participants of bulk transportations can be provided.

**Footnote. Article 17 in edition of the Law of the Republic of Kazakhstan dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).**

#### **Article 17-1. Claims and actions on cargo and passenger transportations**

Prior to filing a claim against a carrier and at bulk transportations – to the operator of bulk transportations or the carrier participating in the bulk transportations, on the disputes related to transportations, submission of a claim is mandatory.

Claims may be submitted within three months, and claims on payment of fines and penalties – within one month.

If a claim is rejected or no response is received within the timeframes, specified by this article, an applicant shall have the right to file a suit.

The limitation period for claims, arising from cargo and (or) passenger transportations, shall be regulated in the order, established by the legislation.

The limitation periods and the procedure for filing claims on disputes, related to international transportations, shall be established by the international treaties, agreements or conventions.

Footnote. Article 17-1 is introduced by the Law of the Republic of Kazakhstan dated 28 December 1998 № 338. Amendments are made by the Law of the Republic of Kazakhstan dated December 6, 2001 № 260; dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication).

#### **Article 18. Delivery date of passengers, cargoes and luggage and responsibility for the delays**

A carrier is obliged to deliver cargo or luggage at the destination point within the timeframes, specified by the Rules of cargo and luggage transportations, approved by the authorized state body. If the delivery time is not specified in the established order, the parties shall be entitled to set the timeframes in the contract.

At bulk transportations the operator of bulk transportations and the carrier participating in bulk transportations are obliged to deliver a load to the destination in time established by contracts of bulk transportation and interaction at bulk transportation.

If the carriage of a passenger is delayed due to the fault of the carrier, unless otherwise provided by part five of this article, the latter shall pay the passenger a fine in the amount of 3 percent of the ticket price for each hour of delay, in addition to compensation for losses to the passenger, if any.

The amount of the fine collected by the passenger may not exceed the cost of the purchased ticket unless otherwise provided by part six of this Article.

For the delay in the delivery of a passenger to the destination, the air transport carrier shall pay a fine in the amount of three percent of the cost of the fare (the fare of the flight segment where the delay occurred) for each hour of delay, unless it proves that the delay occurred due to force majeure, in addition to compensation for losses, incurred by the passenger, if the latter occurred due to such delay.

The amount of the fine cannot exceed the cost of the purchased fare (the fare of the flight segment where the delay occurred).

For delay in delivery of luggage a carrier shall pay a fine to a receiver of luggage in the amount of 10 percent of the transportation fee for each day of delay, but not more than 50 percent of the transportation fee.

For delay in delivery of cargo a carrier shall pay a fine to a receiver of luggage in the amount of 5 percent of the transportation fee for each day of delay, but not more than 50 percent of the transportation fee.

For delay in delivery of a load at bulk transportation the carrier pays to the operator of bulk transportations, and the operator of bulk transportations to the client (the consignor, the consignee, the passenger, the charterer) a penalty in the amount of five percent of a payment for transportation for every day of delay, but not over fifty percent of a payment for transportation.

Carrier, and at bulk transportations the operator of bulk transportations and the carrier participating in bulk transportations are exempted from liability for delay in delivery of a load or baggage if the delay happened not on their fault.

Carrier, and at bulk transportations the operator of bulk transportation bear liability for damages, arisen at the sender or the receiver of baggage or a load in connection with a transportation delay if the last took place.

The carrier shall be obliged, when flights are delayed for eight or more hours, to provide passengers with hotel rooms and meals at their own expense, including taking into account the needs of persons with disabilities, unless otherwise provided by part thirteen of this article and the laws of the Republic of Kazakhstan.

The air transport carrier shall be obliged, in case of a change in the status of a flight due to its fault or due to the late arrival of the aircraft, to provide passengers with hotel accommodation, meals and other services at its own expense in accordance with the Law of the Republic of Kazakhstan "On the Use of the Airspace of the Republic of Kazakhstan and Aviation Activities".

Upon request, a passenger shall receive an official document or a note on the ticket, explaining the reason for the delay.

The size of the losses provided by the present article and order of their definition are established by rules of transportation of goods and baggage and the rules of bulk transportations approved by authorized public authority.

**Footnote.** Article 18 is amended by the Law of the Republic of Kazakhstan dated 28 December 1998 № 338; dated 27.10.2015 № 363-V (shall be enforced after ten calendar days after day of its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 27.06.2022 № 129-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated December 29, 2022 № 174-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

#### **Article 19. Responsibility of a passenger, a sender and a receiver of cargo or luggage**

Passengers, a sender and a receiver of cargo or luggage shall be liable for the damage, caused through their fault to other persons, property of a carrier and other persons, for which a carrier is responsible.

A sender shall be responsible for the damage caused to a carrier or another person, to whom the carrier is liable, for the incorrect, inaccurate or incomplete data, specified in the shipping documents.

A sender shall be liable to a carrier for any damage that may occur due to the inaccurate, incomplete or incorrect data, indicated in the shipping documents.

#### **Article 20. A carrier's liability for death or injury of passengers**

A carrier shall be liable for damage, arising after the death or injury of passengers during transportations, unless he proves that the damage was caused due to the intent of the victim or due to force majeure.

Footnote. Article 20 is amended by the Law of the Republic of Kazakhstan dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

#### **Article 21. Protection of cargoes and transport facilities**

A footnote. Title of Article 21 in the wording of the Law of RK dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Protection of cargoes and transport objects on railway and air transport is carried out by paramilitary security services.

The departments of the paramilitary security services shall be provided with firearms and special devices.

The weapons and special equipment shall be used in accordance with the legislation of the Republic of Kazakhstan.

The most important transportation facilities and special cargoes shall be protected by the sub-divisions of the internal troops of the Interior Ministry of the Republic of Kazakhstan, the special sub-divisions of the Ministry of Defense of the Republic of Kazakhstan and the National Security Committee of the Republic of Kazakhstan, as well as the special paramilitary security services.

Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2015 No 275-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.05.2017 № 59-VI (shall be enforced after ten calendar days after day of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 22. Transport management in emergency situations**

In emergency situations of social, natural and manmade nature, announcement of the state of emergency, the contractual relations of transport companies may be suspended by a decision of the Government of the Republic of Kazakhstan, the authorized body on transport, the local executive body for emergency situations and their consequences.



Transport companies shall be required to take necessary measures to provide priority services to vehicle owners to organize transport management in emergency situations of social, natural and manmade nature, and the announcement of the state of emergency.

During the emergencies of social, natural and manmade character, the announcement of the state of emergency, the expenditures of transport enterprises, related to the mobilization readiness, civil defense and rescue and recovery operations shall be reimbursed from the budget in accordance with the Budget Code of the Republic of Kazakhstan.

Transport companies shall be obliged to take immediate measures to eliminate consequences of natural disasters and accidents, as well as other circumstances of an extraordinary nature.

**Footnote.** Article 22 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121 -V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 No 189-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 22-1. Obligation to provide law enforcement and special state bodies with transport**

Individuals and legal entities shall be obliged to fulfill the legitimate requirements of law enforcement officials and special state bodies on the use of transport (except for the representation offices of foreign states and international organizations with diplomatic immunity) to reach to the scene of emergencies and to bring victims to hospitals to provide them with the emergency medical assistance.

Vehicle owners shall receive compensations for the use of transport in the cases, provided for in this Article, as well as for the caused damages at the expense of the state budget in the order, established by the civil legislation of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented by Article 22-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 23. Security and environmental standards for transport**

Carriers shall be obliged to ensure safety of life and health of citizens, traffic safety, shipping and flights, as well as the environmental protection.

Territories of subway stations, ports, docks, airports, transport companies and railways, as well as waterways, used for transportation and cargo handling, shall be the zones of the high risks. The rules of staying in a high-risk zone and conduction of works shall be approved by the Government of the Republic of Kazakhstan.

Protection and support of dangerous cargoes in accordance with the list, approved by the Government of the Republic of Kazakhstan shall be carried out by senders or receivers of cargoes throughout the entire journey.

Clients, sending and receiving explosive, flammable, radioactive, toxic and other dangerous cargoes, shall be obliged to ensure safe movement, to have special devices and mobile units, required to prevent accidents during the transportation of cargoes, as well as for disaster management.

During transport activities, including transport and vehicles of foreign countries, located in the territory of the Republic of Kazakhstan or crossing it, the requirements, established by the legislation of the Republic of Kazakhstan on safety of human life and health and environment shall be observed.

Design and construction of transport enterprises in the areas of mineral deposits, their placement in the areas of underground structures shall be prohibited. In exceptional circumstances, they shall be allowed under the permission of the authorized state body for geology and mineral protection.

Transport companies and carriers shall be obliged to plan, implement and fund environmental activities, to conduct production and institutional control for environment and mineral resources protection.

Carriers shall be obliged to ensure compliance with the established standards for environmental protection, air basin, water reservoirs, lands and rational use of natural resource. For the damage, caused to the environment, the carriers shall be liable in the order, prescribed by the Laws of the Republic of Kazakhstan.

Terms of stay in a hazardous area of a subway and its efforts shall be approved by the local executive body.

**Footnote. Article 23 as amended by the Laws of the Republic of Kazakhstan dated 28.12.1998 № 338; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 29.12.2006 № 209 (the order of enforcement see Art. 2); dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 24. (Is excluded by the Law of the Republic of Kazakhstan dated 20 December 2004 № 13 (shall be enforced from 1 January 2005)).**

#### **Article 24-1. Screening**

1. According to the level of threat, established in accordance with the legislation of the Republic of Kazakhstan on anti-corruption, passengers and persons that visit the objects of transportation infrastructure, their things, as well as a hand-luggage and luggage are subject to screening.

The procedure and requirements for screening of passengers and persons visiting transport infrastructure facilities, things that are with them, including hand luggage and baggage, shall be determined by the authorized state body.

1-1. Passengers inspection and persons visiting objects of transport infrastructure in the field of civil aviation shall be carried out according to the legislation of the Republic of Kazakhstan on use of airspace of the Republic of Kazakhstan and activity of aircraft.

2. The screening of passengers and persons, visiting the objects of transportation infrastructure (hereinafter – visitors), their things, as well as a hand-luggage and luggage shall be carried out by the employees on the subject of safeguarding activity upon conclusion of an agreement on rendering security services.

For the purposes of this Article, individuals and legal entities shall be regarded upon subjects of transportation activity, beneficially owned or other legal basis of which the objects of transportation infrastructure shall be.

3. Technical means shall be used during screening, the requirements for which shall be approved by the authorized state body.

4. Screening of passengers and visitors, their things, as well as a hand - luggage and luggage shall precede the mandatory offer to present possibly available materials and items, prohibited to importation onsite of transportation infrastructure.

5. On finding the screening of contours and other signs of possibly available materials and items, prohibited to importation onsite of transportation infrastructure by technical means, a personal screening of passengers and visitors including the screening of their things, as well as a hand-luggage and luggage shall be carried out.

Personal screening shall be carried out within necessary for finding of materials and items , prohibited to importation onsite of transportation infrastructure.

Personal screening shall be carried out by the persons of a single gender with the inspected person in specifically designated rooms, meeting the requirements of sanitary and epidemiological rules and regulations.

It is prohibited to carry out a personal screening of several persons at the same time in one room.

The results of personal screening shall be recorded by the act, signed by a person, that carries out a screening and a person in relation to whom a personal screening is carried out.

6. Persons, avoiding a screening, personal screening is not allowed onsite of transportation infrastructure, whereof a reasonable act is filed.

7. If upon screening of a passenger and his things, as well as a hand-luggage and luggage, materials and items, prohibited to importation onsite of transportation infrastructure, where not found, the administration of the object of transportation infrastructure, on which such a screening is carried out shall be obliged to take necessary measures, securing the departure of

a passenger by the route for which he (she) has a ticket or by another route, and in the case of refusal of a passenger from transportation, cost of a ticket and its unused part provided by the legislation of the Republic of Kazakhstan shall be compensated.

8. Persons that carry out a screening shall be obliged to be attentive and polite in relation to passengers and visitors and not allow the actions that mortify their pride.

9. Excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

10. The lists of transport infrastructure facilities subject to screening, persons in respect of whom a screening is not carried out, as well as substances and items prohibited from being brought into transport infrastructure facilities, shall be approved by the authorized state body.

Footnote. Section 4 is supplemented by Article 24-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced from 01.07.2014); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.05.2017 № 64-VI (shall be enforced after ten calendar days after day of its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 24-2. Information support**

1. Carriers, as well as foreign carriers, carrying out transportation of passengers by railway (except for suburban route and in the cases of passenger loading in places, unequipped with booking offices), air and sea transport, arriving in the territory of the Republic of Kazakhstan (departing from its territory) or by the next transit with transfer in the territory of the Republic of Kazakhstan, as well as by the operators of airports shall be provided by provision of details on registered and (or) booked tickets, as well as through the automatic systems and database on a real-time basis to the authorized state body and (or) law enforcement and special state bodies.

2. The order of information to the authorized state body and (or) law enforcement and special state bodies, specified in paragraph 1 of this Article shall be determined by the government of the Republic of Kazakhstan.

3. Upon registration of tickets for transportation, specified in paragraph 1 of this Article, a carrier or another person, carrying out sale of ticket shall provide a record of following data:

- 1) surname, name, patronymic (in its presence);
- 2) type and number of document, proving ones identity, on which a traffic document (ticket) is acquired;
- 3) place and date of departure, point of destination, type of the route (direct, transit);

4) contact details with the consent of a passenger (email address and (or) phone number), by which a carrier or another person, carrying out the sale of tickets may contact with this passenger.

4. Individuals and legal entities that sell tickets, when issuing them, shall be required to ensure that information is filled in Kazakh and Russian in accordance with the requirements of the Law of the Republic of Kazakhstan "On Languages in the Republic of Kazakhstan", and when carrying out international transportation, additionally in English.

**Footnote.** Section 4 is supplemented by Article 24-2 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced from 01.07.2014); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 29, 2021 № 94-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

## **Section 5. Final provisions**

### **Article 25. Traffic control and supervision**

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

Traffic control and supervision of compliance with the legislation of the Republic of Kazakhstan on transport, the requirements for safety and ecology in operation of vehicles shall be carried out by the authorized body and other state bodies within their competence, established by the Laws of the Republic of Kazakhstan.

Traffic control, carried out by the authorized state body shall include:

1) control over compliance with the rules of transportation of passengers and cargoes, including dangerous cargoes;

1-1) control over ensuring the availability of passenger transportation, carrier services, service information, and creation of the necessary amenities and conditions for the provision of transportation services to persons with disabilities;

2) control over safe railway traffic, including the main, station and branch railways;

3) control over the state registration of railway rolling stock;

4) control and supervision over the safety of shipping and navigation;

4-1) control and supervision over the observance of the Laws of the Republic of Kazakhstan and regulations of the Government of the Republic of Kazakhstan by individual and legal entities, which regulate functioning of the waterway transport, revelation and adoption of measures to prevent violation;

5) control over compliance with the permit system in international road transportations;

6) control over compliance with the legislation of the Republic of Kazakhstan on licensing in transport services;

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

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

9) control and supervision over the compliance with the rules of navigation in inland waterways;

10) control and supervision over the compliance with the operating and maintenance of rules and service regulations on a ship;

11) control and supervision over the port pilot service and other marine services;

12) control and supervision over the signing of a contract by a carrier on a compulsory insurance of civil liability of a carrier to passengers;

13) Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 № 461 -IV ( shall be enforced from 30.01.2012).

14) control over the vehicles passing through the territory of the Republic of Kazakhstan;

15) control over the compliance of the vehicle drivers with the established regime of work and rest during transportation of passengers and cargoes, including dangerous cargoes;

16) control over the compliance with the acceptable parameters of vehicles, intended for transportation by the roads of the Republic of Kazakhstan;

17) Is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102 -V ( shall be enforced upon expiry of ten calendar days after its first official publication).

Officials of the authorized state body, when exercising transport control and supervision, must wear uniforms (without shoulder straps) and present the service certificates or identification cards upon request.

The procedure for the maintenance, technical service and repair of urban rail transport and the safety rules for urban rail transport shall be approved by the authorized state body.

The standards for provision of uniforms (without shoulder straps) shall be approved by the Government of the Republic of Kazakhstan.

An authorized state body interacts with the central and local executive bodies, takes joint measures for control and supervision, and provides a mutual information exchange.

The state bodies shall be obliged to assist the authorized state body in implementing the tasks for transport control and supervision of traffic safety in accordance with the legislation of the Republic of Kazakhstan;

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

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

20) excluded by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (

shall be enforced from 01.08.2019);

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

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

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

24) control and supervision over the implementation of international air transportation;

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

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

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

28) control over the compliance of the legal entities and individuals with the regulatory legal acts, international treaties of the Republic of Kazakhstan, establishing the functions of railway transport, revelation and adoption of measures to prevent their violation;

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

30) control of observance by natural and legal entities of requirements of the regulations of the Republic of Kazakhstan defining an order of functioning of urban rail transportation, identification and taking measures to suppression of their violations.

The authorized public authority at control of observance by natural and legal entities of requirements of the regulations of the Republic of Kazakhstan defining an order of functioning of urban rail transportation stops operation of objects of urban rail transportation which condition doesn't meet safety requirements of the movement and environmental protection.

The order of contents, technical maintenance and repair of urban rail transportation is defined by authorized public authority.

Footnote. Article 25 is in the wording by the Law of the Republic of Kazakhstan dated 31.01.2006 № 125; as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 378 -IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 № 379 - IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 № 461 -IV (shall be enforced from 30.01.2012); dated 10.07.2012 № 36 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 № 132 -V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication);

dated 29.09.2014 No 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); from 05.05.2017 № 59-VI (shall be enforced after ten calendar days after day of its first official publication); dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019); dated 26.11.2019 № 273-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication); dated December 29, 2022 № 174-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

#### **Article 25-1. State control in the field of transport**

Footnote. Article 25-1 is excluded by Law of the RK № 71-VIII of 06.04.2024 (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 25-2. Dates of inspections**

Footnote. Article 25-2 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 188 -IV (the order of enforcement see Art. 2).

#### **Article 26. International relations in the field of transport**

An authorized state body shall represent the interests of the republic in the international relations in the field of transport with the right to enter into agreements and contracts in the order, established by the legislation of the Republic of Kazakhstan.

In accordance with the current legislation of the Republic of Kazakhstan, the carriers shall be entitled to develop foreign economic cooperation with legal entities and individuals of other countries and to export (import) cargoes (works, services).

Footnote. Article 26 is amended by the Law of the Republic of Kazakhstan dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

*The President of the Republic of Kazakhstan*