

ANNEX V

Draft

Law of the Republic of Kazakhstan “On Licensing”

Chapter I. General provisions

Article 1. Relations regulated by this Law

1. This Law shall regulate the relations connected with state licensing of certain types of activities (transactions).
2. This Law shall not regulate the relations connected with the issuance of licenses within the framework of a license contract concluded between natural and (or) juridical persons.

Article 2. Legislation of the Republic of Kazakhstan on licensing

1. The legislation of the Republic of Kazakhstan on licensing shall be based on the Constitution of the Republic of Kazakhstan and shall consist of the present Law and other statutory legal acts of the Republic of Kazakhstan.
2. When an international treaty ratified by the Republic of Kazakhstan sets out the rules other than those stipulated by this Law, the rules of such international treaty shall prevail.

Article 3. Main concepts used in this Law

The following main concepts shall be used in this Law:

- 1) automatic licensing – a measure established with a view to monitor import and/or export of certain goods by means of issuing a license;
- 2) applicant – a natural or juridical person who submitted to the respective licensor an application about licensing or an attachment to a license for carrying out a certain type of activity;
- 3) qualifying requirements – a set of quantitative and qualitative standards and indices characterizing applicant’s ability to perform a certain type of activity;
- 4) licensee (subject of licensing) – a natural or juridical person having a license for a certain type of activity;
- 5) licensing – function of a state body in connection with examination of applications for licensing, issue or denial of a license;
- 6) licensing of activities related to facilities of enhanced danger – licensing of activities at facilities which may pose danger to life and health of people and the environment;
- 7) licensing of activities of especially important national significance - licensing of activities performance of which is called forth by the need of ensuring national security;
- 8) licensing of private entrepreneurial activities – licensing of certain types of activities related to rendering of services (works) by a natural or juridical person with the view of state regulation, ensuring observance of legitimacy as well as protection of rights and interests of consumers.
- 9) Type of activity subject to licensing – type of activity (certain action (transaction, insurance class) for execution of which a license is required in accordance with this Law;
- 10) license – a permission issued in the form of an official act by the appropriate licensor to a natural or juridical person for the execution of a certain type of activity;
- 11) licensor – a state body performing the licensing in accordance with this Law;

- 12) licensing control – activities of licensors aimed at ensuring the observance by the licensees of the laws of the Republic of Kazakhstan in the field of activities covered by the license;
- 13) sub-type of licensing activity – specification of an appropriate type of activity within the framework of one license;
- 14) register of licenses – database containing the information about the issued, re-issued, suspended, renewed and annulled licenses;
- 15) competent authority – a state body participating in the development of the state policy in the field of licensing and coordinating the activities of other state bodies with regard to implementation of the legislation in the field of licensing;

Article 4. Basic principles of licensing

1. The issue of licenses shall be carried out on equal basis and equal conditions for all persons meeting the requirements set forth for the given type of a license.
2. The introduction of licensing order for certain types of activities shall be made with a view of ensuring national security, observance of legitimacy as well as protection of the rights and interests of the consumers.
3. This Law shall establish comprehensive list of the types and sub-types of activities as well as actions (transactions) which are subject to licensing.
4. Should new types and sub- types of activities, which are subject to licensing, be included to this Law the licensing of them shall be carried out after the appropriate qualifying requirements and licensing rules have been adopted.
5. The licensing of certain types of activities shall be established in such cases when the requirements to the products, requirements in respect of mandatory conformity assessment of certain types of products or processes and the state control of activities as set forth by the legislative instruments of the Republic of Kazakhstan are not sufficient for the achievement of goals of the governmental administration.
6. A license shall be inalienable and may not be transferred by a licensee to other juridical or natural person.
7. The types (sub-types) of the private entrepreneurial activities being part of an integrated technological process and (or) being an essential element of a licensable activity shall not be subject to licensing.

Chapter 2. State system of licensing

Article 5. Structure of the state licensing system

The state licensing system shall include:

- 1) the Government of the Republic of Kazakhstan;
- 2) the authorized body;
- 3) licensors.

Article 6. Scope of reference of the Government of the Republic of Kazakhstan

The scope of reference of the Government of the Republic of Kazakhstan shall include:

- 1) formation of the main guidelines of the state policy in the field of licensing;
- 2) determination of the list of licensors;
- 3) approval of qualifying requirements to certain types of activities which are subject to licensing with the exception of the qualifying requirements to be approved by the authorized state body for regulating and supervision of the financial market and financial

institutions and the National Bank of the Republic of Kazakhstan pursuant to the laws of the Republic of Kazakhstan;

- 4) approval of the licensing rules with regard to certain types of activities which are subject to licensing with the exception of the licensing rules to be approved by the state authorized body for regulating and supervision of the financial market and financial institutions and the National Bank of the Republic of Kazakhstan pursuant to the laws of the Republic of Kazakhstan;
- 5) approval of a single unified form of license and attachments thereto with the exception of the form to be approved by the state authorized body for regulating and supervision of the financial market and financial institutions and the National Bank of the Republic of Kazakhstan pursuant to the laws of the Republic of Kazakhstan;
- 6) approval of a form of application for obtaining a license with the exception of a form of application to be approved by the state authorized body for regulating and supervision of the financial market and financial institutions and the National Bank of the Republic of Kazakhstan pursuant to the laws of the Republic of Kazakhstan;
- 7) approval of the list of toxic substances the production, processing, transportation, purchase, storage, sale, use and disposal of which are subject to licensing;
- 8) determination of the license fee rates for the right to perform certain types of activities;
- 9) approval of the list of goods (works and services) the import and export of which are subject to licensing.

Article 7. Scope of reference of the authorized body:

The scope of reference of the authorized body shall include:

- 1) participation in development of the state policy in the field of licensing;
- 2) collection, analysis, processing of information submitted by the licensors in accordance with the procedure established by the authorized body;
- 3) approval of a single form of the register of licenses;
- 4) approval of a single form of a conclusion on applicant's compliance with the requirements in the field of environmental protection, nuclear, radiation, sanitary-and-epidemiologic, industrial, fire safety as well as state energy control by co-ordination with the concerned central state bodies;
- 5) holding of inter-institutional meetings with the purpose of the improvement of the licensing system.

Article 8. Scope of reference of licensors

1. The licensors shall be the central state bodies of the Republic of Kazakhstan including those falling outside the composition of the Government of the Republic of Kazakhstan, institutions of the central state body of the Republic of Kazakhstan, local executive authorities, executive authorities which are financed from the local budget.
2. The licensors or the authorized state bodies in their respective sectors within the scope of their reference shall implement the following:
 - 1) Elaboration of the drafts of licensing rules and qualifying requirements to certain types of activities which are subject to licensing; approval of the licensing rules and qualifying requirements to types of activities, actions (transactions) as stipulated by Articles 32 and 43 of this Law, as well as, when necessary, the elaboration of the criterion for assessment of compliance with the qualifying requirements, with the exception of cases established by the laws of the Republic of Kazakhstan;
 - 2) licensing;
 - 3) licensing control;

- 4) keeping the register of licenses;
 - 5) initiation of proceedings in respect of administrative infringement in accordance with the laws of the Republic of Kazakhstan;
 - 6) making inquiry to the bodies of the environmental protection, nuclear, radiation, industrial, fire safety as well as state energy control, sanitary-and-epidemiologic services with regard to applicant's compliance with the set standards.
3. The licensor or the state authorized bodies in their respective sectors within the scope of their reference shall be obliged to publish the rules and procedures of submission of applications for obtaining the licenses, lists of products which are subject to licensing as well as amendments, additions and cancellations of such rules, procedures and lists of products in the mass media of republican level. The publication shall take place 21 days prior to effective date of the aforesaid rules, procedures and lists of products.
 4. The licensors shall be allowed to delegate their licensing powers to the appropriate territorial subdivisions by co-ordination with the authorized body.
The central state bodies in accordance with the procedure established by the laws may delegate the licensing powers to the local executive authorities of an oblast (city of republican significance, capital).
The local executive authorities of an oblast (city of republican significance, capital) being licensors in accordance with the established procedure may delegate the licensing powers to the appropriate executive authorities which are financed from the local budget as well as to the local executive authorities of rayons (cities of oblast significance).

Article 9. Types and effect of license

The licenses shall be differed according to the following features:

1. By persons:
 - 1) licenses issued to natural and juridical persons of the Republic of Kazakhstan;
 - 2) licenses issued to foreign juridical persons, foreign citizens, stateless persons and international organizations.
2. By scope of activity:
 - 1) general license entitling to carry out certain types of activities, issued without time-limit;
 - 2) one-time license entitling to carry out a certain business transaction within the permitted time frame, volume, weight or quantity (in kind or in money terms), as well as within the timeframe determined by the currency legislation of the Republic of Kazakhstan regarding payments between the residents and non-residents under commercial credits granted by the residents to non-residents for a period of over 180 days;
 - 3) operating license entitling to carry out certain banking transactions, classes of insurance activities (insurance classes) and currency transactions.
3. By territorial effect:
 - 1) licenses, which effect is limited to a certain territory of the Republic of Kazakhstan.
The effect of a license is limited to a certain territory of the Republic of Kazakhstan if carrying out of a certain type of activity is directly related and depends exclusively on operation of specific immovable facilities.
 - 2) licenses which effect covers the whole territory of the Republic of Kazakhstan;
 - 3) licenses, which effect extends beyond the territory of the Republic of Kazakhstan.
4. By types of activities:
 - 1) related to the facilities of enhanced danger;
 - 2) having particularly important national significance;

3) entrepreneurial.

The effect of a license shall cover the whole territory of the Republic of Kazakhstan with the exception of cases as provided by sub-paragraphs 1), 3) of the Paragraph 3 of Article 9.

In case of territorial limitation of a license the branches of a juridical person located outside of the limited territory of the Republic of Kazakhstan to carry out their activities shall be granted with attachments to a license in accordance with the procedure established by this Law.

Article 10. Forms of licenses

A single unified form of license and attachments thereto shall be established by the Government of the Republic of Kazakhstan.

The attachments to a license shall be its integral part.

The forms of licenses entitling to carry out the activities related to concentration of financial resources and use of currency valuables and currency transactions as provided for by the Articles 32 and 43 hereof shall be established by the authorized state body for regulating and supervision of the financial market and financial institutions and (or) the National Bank of the Republic of Kazakhstan.

Article 11. Licenses issued to foreign juridical persons, foreign citizens, stateless persons and international organizations

The foreign juridical persons, foreign citizens, stateless persons as well as international organizations shall obtain licenses on the same conditions and in accordance with the same procedure as the juridical and natural persons of the Republic of Kazakhstan unless otherwise provided by the legislative instruments of the Republic of Kazakhstan.

Article 12. Fields of licensing

Certain types of activities in the following fields shall be subject to licensing:

- 1) industry;
- 2) use of atomic power;
- 3) circulation of toxic substances;
- 4) circulation of narcotic drugs, psychotropic substances, precursors;
- 5) ensuring information security;
- 6) circulation of armaments, military equipment and certain types of weapon;
- 7) use of outer space;
- 8) education;
- 9) mass-media;
- 10) agriculture and forestry, land-utilization, land-surveying and cartography;
- 11) environmental protection;
- 12) health care;
- 13) veterinary medicine;
- 14) transport;
- 15) financial activities and activities related to concentration of financial resources;
- 16) architecture, municipal engineering and construction;
- 17) manufacture of the national emblems of the Republic of Kazakhstan;
- 18) customs affairs;
- 19) production and circulation of ethyl alcohol and alcohol products, tobacco products;
- 20) informatization and communications;
- 21) culture;
- 22) rendering of services to natural and juridical persons;

- 23) legal expert filed;
- 24) technical safety;
- 25) currency transactions and activities related to use of currency valuables.

Chapter 3. Licensing of activities related to the facilities of enhanced danger

Article 13. Licensing of activities in the field of industry

A license shall be required for carrying out of the following types of activities:

1. Production, transmission and distribution of electrical and heat energy, design and operation of electric power stations, electric networks and substations.

This type of activity includes the following sub- types:

- 1) generation of electrical energy;
- 2) operation (use, maintenance and repair, preventive measures, support of readiness to operation, control of engineering equipment technical condition) of electric power stations, electric networks and substations, including:
 - heat power plants utilizing organic fuel with any types of units;
 - hydroelectric power stations and their hydraulic structures;
 - nuclear power plants;
 - electric power distribution systems, overhead and cable electric energy transmission lines;
 - transformer substations, switchgears, relay protection and automatics;
- 3) generation of heat energy for heat supply to inhabited localities;
 - operation (use, maintenance and repair, preventive measures, support of readiness to operation, control of technical condition) of steam boilers, self-contained super heaters and economizers with operating pressure over 0.7 kg/cm², hot-water boilers and self-contained economizers with temperature over 115⁰C and pipelines operating under pressure including:
 - steam generators-boilers, exhaust-heat boilers;
 - super heaters and economizers;
 - hot-water boilers and steam-water boilers operating under pressure;
 - steam boilers and liquid boilers utilizing high-temperature and organic heat-carrying agents;
 - steam and hot water pipelines;
 - pipelines feeding fuel to boilers.
2. Design and operation of mining, petrochemical, chemical, oil-and-gas processing productions and storage facilities of gas, oil and petroleum products, main gas-pipelines, oil-pipelines, petroleum products pipelines, oil and gas drilling activities.

This type of activity includes the following sub- types:

 - 1) design (technological) and operation of oil-and-gas processing, petrochemical, chemical production lines (including operation of technological equipment) and gas, oil and petroleum products storage facilities;
 - 2) production of petroleum products:
 - products of the primary and deeper processing of oil;
 - compounding, introduction of additives, admixtures and components to commercial gasoline for the purpose of increasing the octane number;
 - compounding, introduction of additives, admixtures and components to no merchantable by-products for the purpose of obtaining the gasoline of prescribed properties;

- introduction of additives and admixtures to diesel fuel, mazut;
- introduction of additives to petroleum oils;
- 3) recycling of oil-bearing waste, utilization of gaseous emissions;
- 4) reception, discharge, filling, storage, delivery of highly inflammable and combustible liquids (petroleum storage depots, oil loading racks, filling stations);
- 5) reception, discharge, filling, storage, delivery of the liquefied and combustible gases (gas-filling stations and centers, truck tanks, gas-filling car service stations, gas-filling car stations, intermediate centers of gas-cylinders collection (CGSC);
- 6) raw materials and intermediate products storage facilities;
- 7) products of the main organic synthesis, rubber, tire and general mechanical rubber products industry, shale processing industry and technical carbon;
- 8) chemical fiber, polymeric and plastic materials;
- 9) synthetic dyes, chemical additives and other products of the fine organic synthesis;
- 10) paintwork products, turpentine;
- 11) making and processing of chlorine, ammonia;
- 12) design and operation of mining production lines, drilling activity in oil and gas;
- 13) design and operation of mining productions (production design and production of minerals (except for generally used minerals);
development of a general plan, development of mining projects including the local ones;
commercial development of a field;
opening and development of coal, ore, non-ore deposits by open-cut and underground methods;
main mining, mining preparation, sloping operations, second working;
technological works;
blasthole drilling and holing;
preparation and execution of blasting operations; excavation of the rock mass;
excavation of the rock mass with machines of continuous operation;
outlet and delivery of the rock mass with scrapers, self-propelled equipment, container transport;
transportation of the rock mass with motor dump-trucks, railway transport, conveyors, load-haul-dump units, self-propelled equipment;
piling, pumping, aeration, timbering of mine workings;
operation, manufacturing (of units, parts, single elements), installation and repair of technological equipment;
- 14) abandonment job in respect of closing of unprofitable mines and pits; backfill of bores, dismantling of mining equipment, erection of barricades, disassembling of buildings and facilities, dismantling of surface structures, surface reclamation;
- 15) design and operation of mining productions, drilling activities in respect of oil and gas (production design and production of oil and gas);
makeup of designs and technological schedules for the development of oil-and-gas fields;
makeup of feasibility study of projects;
logging works in the oil and gas wells;
perforating works in the oil and gas wells;
quality control of conducted oil operations in the prospect holes and production wells;
operation of drilling equipment including floating drilling units, oil-and-gas field equipment, geological survey and geophysical equipment as well as the equipment of oil-and-gas maritime hydro technical facilities;

- boring of oil, gas and water wells including those at sea and in the inland basins;
 - subsurface and major repair of wells, dismantling of equipment and assemblies, installation of pulling units;
 - repair test of wells, arrangement of tools;
 - flushing, grouting, well testing and development;
 - oil, gas, oil-gas condensate production, conservation of wells;
 - increase of oil recovery from oil reservoirs and increase of well production capacity;
 - prevention and liquidation of: oil spillage on land and at sea, well-springs, oil and gas emissions (except for anti-blow-out works);
 - manufacture (of units, parts, single elements), installation and repair of technological equipment;
- 16) design and operation of trunk gas pipelines, oil pipelines, petroleum products pipelines;
- operation of the equipment, pump-and-compressor stations, tank batteries and linear part of trunk gas and petroleum products pipelines as well as of technological equipment and gas subsurface storage wells;
 - maintenance, major and running repair (preventive measures, inspection, control of technical condition, diagnostics of condition of weld seams, joints and fastenings) of trunk pipelines, basic and auxiliary equipment;
 - diagnostics of the equipment of pump-and-compressor stations and linear parts of the trunk pipelines, including underwater links;
 - maintenance of the electrochemical corrosion prevention facilities;
 - design of the gas and petroleum products trunk pipelines;
 - manufacture (of units, parts, single elements), installation and repair of the technological equipment;
3. Processing of mineral raw materials (with the exception of processing of the used minerals).
- This type of activities includes the following sub- types:
- physical, physical-chemical, chemical, metallurgical (pyrometallurgy, baking, hydrometallurgy, burning) methods of minerals processing and recycling of the waste of mining, mineral processing, metallurgical industry and other industrial production containing minerals;
 - coke industry, cast iron making, steel production (including direct steelmaking and ironmaking), lunkerites, conditioning agents and exothermic compounds, alloys, hot and cold-rolled mill products, casting;
 - operation, manufacture (of units, parts, single elements), installation and repair of technological equipment;
 - transportation, stocking, storage of formed waste (slag, slime, mill tailings).
4. Operation, repair and construction of gasification systems of residential and domestic facilities.
- This type of activities includes the following sub- types:
- operation, maintenance and repair of gas-supply systems (gas-distribution stations, gas-distribution installations, distributing gas-supply high, middle and low pressure networks, operation and repair of internal installations and equipment);
 - connection (incut) of newly erected segments of gas pipelines to existing networks;
 - initial and repeated injection of gas to the external gas supply systems and facilities therein, as well as to internal gas installations and devices;
 - beat and maintenance of gas pipelines routes and facilities therein;

diagnostics of the condition of networks (weld seams, connections, fastenings) and facilities therein, of the equipment and units, inspection pressure testing of networks and devices;

prevention of electromechanical corrosion of undersurface gas pipelines and facilities therein;

tracing and liquidation of the emergency situations on gas networks and facilities therein; major repair and replacement of unreliable segments of gas pipelines and facilities therein;

scheduled and running repair of the networks and facilities therein;

records management of gas consumption by consumers;

customer services by applications in case of breakdown;

installation and dismantling of gas meters;

installation and dismantling of domestic gas devices.

Article 14. Licensing of the activity in the sphere of atomic energy use

Availability of the license is required for following types of activity:

1. Allocation, designing, construction, commissioning and withdrawal of objects of atomic energy use including objects of extraction, processing and concentration of minerals containing radioactive substances.

This type of activity includes following sub-types:

1) designing of objects of atomic energy use (development of complex technical, constructional and technological documentation containing feasibility study, calculations, drawings, models, estimates, explanatory notes necessary for the construction of objects of atomic energy use, their parts, blocks, systems, structures);

2) construction of objects of atomic energy use (whole complex, separate buildings, parts, blocks, systems, structures, additional premises);

3) allocation of objects of atomic energy use;

4) commissioning of objects of atomic energy use (whole complex, separate buildings, parts, blocks, systems, structures, additional premises);

5) maintenance of objects of atomic energy use (whole complex, separate buildings, parts, blocks, systems, structures, additional premises);

6) withdrawal of objects of atomic energy use (whole complex, separate buildings, parts, blocks, systems, structures, additional premises);

2. Handling with nuclear materials, sources of ionizing radiation (except of X-ray diagnostic medical devices) and radioactive substances.

This type of activity includes following sub-types:

1) manufacture, production, storage and processing of nuclear materials and radioactive substances;

2) use and allocation of nuclear materials, radioactive substances, sources of ionizing radiation including devices and installations containing such sources or generating ionizing radiation;

3) construction, manufacture, production of sources of ionizing radiation including devices and installations containing such sources or generating ionizing radiation;

3. Development, production, sales and use of X-ray equipment including medical equipment.

4. Rendering of services in the sphere of atomic energy use.

This type of activity includes following sub-types:

1) technical maintenance, assembly, disassembly, charging, recharging, repair of devices and installations including medical equipment containing radioisotope sources of ionizing radiation or generating ionizing radiation;

2) operation quality control of ionizing radiation sources as well as devices, equipment, installations containing such sources or generating ionizing radiation;

3) development of projects, technologies, scientific-technical documentation basing radiation or nuclear safety, carrying out of expertise, analysis and evaluation of radiation or nuclear safety.

5. Development of technical documentation, construction, manufacture, production of transport containers, packing sets and materials, facilities, containers for nuclear materials, sources of ionizing radiation, radioactive materials and radioactive wastes.

6. Handling with radioactive wastes.

This type of activity includes following sub-types:

1) collection and sorting of radioactive wastes;

2) deactivation (cleaning from radioactive pollution) of premises, equipment and materials;

3) transportation of radioactive wastes;

4) processing of radioactive wastes;

5) storage and burial of radioactive wastes.

7. Radiation control and radio-ecological researches, with the exception of the activity of test laboratories accredited in the sphere of technical regulation.

This type of activity includes following sub-types:

1) radiation control of territories, premises, work places, goods, materials, scrap, vehicles;

2) determination of radioactive nuclides content in products, materials, environmental objects, measuring of radon and other radioactive gases concentration;

3) gamma-survey and other radiometric investigations of territories;

4) individual control of personnel, population;

5) radiation rehabilitation and re-vegetation of territories and objects.

8. Transportation including transit transportation, transportation of nuclear materials, radioactive substances, radioisotope sources of ionizing radiation, radioactive wastes within the territory of the Republic of Kazakhstan.

9. Export and import of ionizing radiation sources, nuclear materials, technologies and equipment, special non-nuclear materials as well as materials, technologies and double function equipment.

10. Selling of nuclear materials, sources of ionizing radiation and radioactive substances.

This type of activity includes following sub-types:

1) selling of radioisotope sources of ionizing radiation, devices and installations containing such sources or generating ionizing radiation;

2) selling of nuclear materials and radioactive substances including radiopharmaceuticals;

3) selling of devices and equipment containing sources of ionizing radiation and radioactive substances in numbers exceeding withdrawal level.

11. Activity in places where nuclear explosions have been carried out.

This type of activity includes following sub-types:

1) search, exploration, production, processing of minerals;

2) exploration, geophysical, hydro-geological, engineering-geological, seismic survey, geo-ecological works;

3) radio-ecological monitoring and researches;

4) other economic activity on polluted territories.

12. Physical protection of nuclear installations and nuclear materials.

This type of activity includes following sub-types:

- 1) designing, assembly, commissioning, maintenance, servicing, repair and adjustment of physical protection systems of objects of atomic energy use;
- 2) rendering of services on the development of project threat for objects of atomic energy use;
- 3) provision of physical safety of objects of atomic energy use including nuclear installations, objects and vehicles having nuclear and other radioactive materials;
- 4) provision of physical protection upon transportation of nuclear and other radioactive materials throughout the territory of the Republic of Kazakhstan.

13. Special training and re-training of specialists and personnel.

This type of activity includes following sub-types:

- 1) for work on objects of atomic energy use;
- 2) on radiation safety for industry, agriculture, veterinary, medicine, science;
- 3) on metering and radio-metering;
- 4) on indestructible control methods using sources of ionizing radiation including X-ray study, radiography and other nuclear-physical methods.

Article 15. Licensing of activity in the sphere of poisonous substances circulation

Availability of license is required for carrying on of following types of activity:

1. Production, processing, transportation, purchasing, storage, selling, use, destruction of poisons according to the list approved by the Government of the Republic of Kazakhstan.
2. Activity on production (formulation), selling, use of pesticides as well as import of pesticides and original components for their production, with the exception of pilot samples for registration, industrial tests and scientific researches.

Article 16. Licensing of activity in the sphere of technical safety

Availability of license is required for carrying on of following types of activity:

1. Designing, assembly, adjustment and servicing of intrusion protection means.
2. Designing of fire alarm and fire-prevention automation.

Article 17. Licensing of activity in the sphere of environment protection

Availability of license is required for carrying out ecologically dangerous types of economic activity:

This type of activity includes following sub-types:

- 1) use of lands:
technical re-cultivation of lands polluted by toxic, radioactive and other dangerous hazardous substances;
- 2) processing, storage and disposal of wastes:
incineration, chemical processing, storage and burial of hazardous wastes of 1-2 classes of danger, trans-boundary transportation in connection with implementation of obligations of the Republic of Kazakhstan under the Basel Convention on control of trans-boundary transportation of hazardous wastes and their destruction;
- 3) manufacture using ozone-destroying substances as well as repair, assembly, maintenance of equipment containing ozone-destroying substances;
- 4) import and export of ozone-destroying substances and products containing such substances to/from the Republic of Kazakhstan.

Article 18. Licensing of activity in the sphere of transport

Availability of license is required for transportation of dangerous cargos by railway, marine, river, motor transport.

Chapter 4. Licensing of types of activity having particular state importance

Article 19. Licensing of activity in the sphere of circulation of narcotic drugs, psychotropic substances, pre-cursors

Availability of license is required for carrying on of activity connected with circulation of narcotic drugs, psychotropic substances, pre-cursors.

This type of activity includes following sub-types:

- 1) cultivation, collection and storage of drugs containing plants;
- 2) manufacture, processing, transportation, consignment, procurement, storage, allocation, selling (wholesale and retail), destruction of narcotic drugs, psychotropic substances, pre-cursors;
- 3) use of narcotic drugs, psychotropic substances, pre-cursors with scientific and educational purposes;
- 4) manufacture, transportation, procurement; storage, allocation, selling, use, destruction of narcotic drugs, psychotropic substances, pre-cursors in health care system.

Article 20. Licensing of activity in the sphere of provision of information safety

Availability of license is required for carrying out the following types of activity:

1. Activity connected with development, manufacture, repair and selling of special technical means, use of special technical means for search of technical channels of information leakage.
2. Development and selling (including other transfer) of information cryptographic protection means.
3. All types of activity on technical protection of state secrets of the Republic of Kazakhstan including development, manufacture, assembly, adjustment, use, storage, repair and after-sales service of technical means of information protection, protected technical means of information processing.

Special terms, order, time frames for license issue as well as special terms of examinations and accounting carrying out may be determined in rules approved by the Government of the Republic of Kazakhstan upon licensing of activity in the sphere of information safety provision.

Article 21. Licensing of activity in the sphere of circulation of armament, military technique and certain types of weapons

Availability of license is required for carrying on of following types of activity:

1. Development, manufacture, trade, repair of ammunition, armament and military technique, spare parts, components and their devices as well as special materials and equipment for their manufacture including assembly, adjustment, use, storage, repair and after-sales service.
2. Development, manufacture and trade of explosive materials, pyrotechnic substances and products with their use.
3. Liquidation (destruction, utilization, burial) and processing of released military-technical means.

4. Development, manufacture, repair, trade, procurement, collection, exposition of fire civil and official arms and its cartridges, military manual shooting arms and its cartridges, cold arms as well as gas arms and its cartridges.

5. Development, manufacture, trade, procurement, exposition of civil pyrotechnic substances and products with their use.

Article 22. Licensing of activity in the sphere of outer space use

Availability of license is required for carrying on of all types of activity connected with use of outer space including creation, manufacture, operation, repair and modernization of rocket-space technology, use of land infrastructure for provision of its functioning (ground, command-measuring complex, bench basis, etc.)

Article 23. Licensing of activity in the sphere of education

Availability of license is required for carrying on of educational activity:

This type of activity includes following sub-types of:

infant and non-school organizations;

juridical persons implementing specialized and special educational programs;

juridical persons implementing basic educational programs of elementary general, fundamental general or secondary general, elementary professional education including by professions, secondary professional, higher professional, post-graduation professional education including by specialties;

juridical persons implementing cultural educational programs;

international and foreign juridical persons.

Article 24. Licensing of activity in the sphere of mass media

Availability of license is required for carrying on of activity on organization of telecasting and (or) broadcasting (radio).

Article 25. Licensing of activity in the sphere of agriculture and forestry, land-utilization, geodesy and cartography

Availability of license is required for carrying out the following types of activity:

1. Wood storage in regions of national forest fund fulfilled by forest users, and works on round wood sawing.

2. Special water use:

This type of activity includes following sub-types:

1) diversion and use of water from superficial water objects in volume exceeding fifty cubic meters per twenty four hours for agriculture, industry, power engineering, fish-breeding needs;

2) diversion and delivery of water from superficial water objects to secondary water user;

3) discharge of industrial, domestic utility, drainage and other foul waters to superficial water objects.

3. Surveying-geodesic and cartographic state works:

This type of activity includes following sub-types:

1) surveying-geodesic works:

2) cartographic works.

Article 26. Licensing of activity in the sphere of health care

Availability of license is required for carrying out the following types of activity:

1. Medical activity.

This type of activity includes following sub-types:

1) primary(before-doctor) medical-sanitary aid;

2) emergency aid;

diagnostics:

3) laboratory diagnostics:

- bacteriological examination;

- biochemical examination;

- immunological examination;

- laboratory diagnostics of human immunodeficient virus (HIV-diagnostics);

- general clinical examinations;

- serum examinations;

- cytological examinations;

4) pathologic anatomy;

5) radiological diagnostics;

6) X-ray diagnostics;

7) ultrasonic diagnostics;

8) functional diagnostics;

9) endoscope diagnostics;

out-patient polyclinic and/or hospital medical aid to adult and/or infant population by specialties:

10) obstetrics and gynecology (including additional reproductive technologies);

11) allergology and immunology;

12) anesthesiology and resuscitation;

13) andrology;

14) valeology;

15) hematology;

16) hyperbaric oxygen therapy;

17) dermatology and venerealogy;

18) dermatology-cosmetology;

19) dietology;

20) infectious diseases;

21) massage;

22) narcology;

23) neuropathology;

24) neonatology;

25) general medical practice, family doctor;

26) oncology, mammology;

27) otorhinolaryngology;

28) ophthalmology;

29) pediatrics;

30) psychiatry;

31) psychotherapy, medical psychology;

32) radiology;

33) sexpathology;

34) sport medicine and therapeutic physical training;

35) dentistry;

- therapeutic;
- surgical;
- orthopedic;
- orthodontic;
- 36) therapy:
 - general
 - gastroenterology;
 - cardiology;
 - nephrology;
 - professional pathology;
 - pulmonology;
 - rheumatology;
- 37) traumatology, orthopedics and cambustiology;
- 38) toxicology;
- 39) transplantology;
- 40) urology;
- 41) physical therapy;
- 42) phthisiology;
- 43) surgery:
 - abdominal;
 - angiosurgery;
 - cardiosurgery;
 - microsurgery;
 - neurosurgery;
 - general;
 - plastic;
 - thoracic;
 - endoscopic;
- 44) endocrinology;
- expert medical activity;
- 45) expertise of temporary disablement and professional suitability (prophylactic and periodic medical examination);
- 46) mental expertise including legal-mental, narcological and legal-narcological expertise;
- 47) alternative medical activity:
 - folk medicine (healing) including persons without medical education;
 - homeopathy;
 - hirudotherapy;
 - manual therapy;
 - reflex therapy;
 - phytotherapy and treatment with natural drugs;
- 48) sanatorium treatment:
 - balneotherapy;
 - hydrotherapy;
 - paraffin-ozokerito-mud treatment;
- 49) blood purveyance;
- sanitary-hygienic and anti-epidemic medical activity;
- 50) hygienic training of population;
- 51) sanitary-epidemic expertise;
- 52) sanitary-hygienic and laboratory examinations:

bacteriological;
 viral;
 measuring of noise, vibration, electromagnetic fields and other physical factors;
 parasitological;
 radiometry and metering;
 sanitary-chemical;
 toxicological.

2. Types of pharmaceutical activity: manufacture, wholesale and retail sales of drugs.

Article 27. Licensing of activity in the sphere of natural and juridical persons servicing

Availability of license is required for carrying out the following types of activity:

1. Rendering of social servicing of lonely invalids, invalids out of psychoneurological patients, children-invalids needing permanent care and medical servicing on health condition in non-governmental medical-social organizations.
2. Advocates activity .
3. Notary activity.

Article 28. Licensing of activity in the sphere of veterinary medicine

Availability of license is required for carrying out the activity in the sphere of veterinary medicine.

This type of activity includes following sub-types:

manufacture and selling of veterinary drugs;
 selling of drugs, biological preparations for veterinary purposes;
 veterinary-sanitary expertise of products and raw materials of animal origin;
 veterinary treatment-prophylactic activity.

Article 29. Licensing of activity in the sphere of information and communication

Availability of license is required for carrying on of activity on conformity verification of public key of electronic digital signature to close key of electronic digital signature as well as on authenticity confirmation of registration certificate.

Article 30. Licensing of activity in legal-expert sphere

Availability of license is required for carrying on of legal-expert activity.

Article 31. Licensing of activity in the sphere of culture

Availability of license is required for the fulfillment of archaeological and(or) repair-restoration works on historical and cultural monuments.

Chapter 5. Licensing of private entrepreneurial types of activity

Article 32. Licensing of activity in financial sphere and activity connected with financial resources concentration

Availability of license is required for carrying on of following types of activity:

- 1) banking operations fulfilled by banks and organizations implementing certain types of banking operations:
 - receipt of deposits, opening and keeping of bank accounts of juridical persons;
 - receipt of deposits, opening and keeping of bank accounts of natural persons;

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

opening and keeping of metal accounts of natural and juridical persons, where physical number of affinated precious metals and precious metal coins belonging to this person is reflected;

cash operations: receipt and issue of cash when fulfilling one of the banking operations stipulated in second, third, seventh-tenth paragraphs of present subparagraph including their change, exchange, recalculation, sorting, packing and storage;

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

accounting operations: account (discount) of bills and other debt liabilities of natural and juridical persons;

banking lending operations: credit granting in monetary form under commercial terms, for certain time frame, and under repayment terms by bank, mortgage organization, broker and(or) dealer with the right to manage clients accounts as nominal holder and juridical person, when state is the single shareholder (member);

organization of exchange operations with foreign currency;

interbank clearing: collection, verification, sorting and confirmation of payments as well as their inter-set-off carrying out and determination of net positions of clearing members – banks and organizations fulfilling separate types of banking operations;

issue of Payment Cards;

cashing of bank notes, money and valuables ;

accepting payment documents for collection (with the exception of promissory notes);

opening (issue) and confirmation of letter of credit and discharge of its liabilities;

issue by banks of bank guarantees providing the fulfillment in monetary form;

issue by banks of bank warranties and other obligations for third persons providing the fulfillment in monetary form.

other operations fulfilled by banks:

purchase, taking in pledge, accounting, keeping and selling of precious metals (gold, silver, platinum, platinum group metals) in ingots, precious metal coins;

procurement, pledge receipt, accounting, keeping and selling of jewelry containing precious metals and precious stones;

operations with bills: accepting bills for collection, rendering of services on bills payments by the payer as well as payment of domiciled bills, acceptance of bills as intermediation;

leasing activity;

issue of own securities (with the exception of shares);

factoring operations: acquisition of payment demand rights from the buyer of goods (works, services) with acceptance of risk of non-payment;

forfeit operations (forfeiting): payment of debt liability from the buyer of goods (works, services) by means of purchase of the bill without recourse to the seller;

fiduciary transactions: management of money, legal claims on mortgage loans and precious metals in the interests and on behalf of the trustee;

safe operations: services on keeping of securities issued in documentary form, documents and valuables of clients including let of safe boxes, cases and premises.

2) on the branch “life insurance” within following classes of insurance:

life insurance;

annuity insurance;

insurance to the approach of certain event in life;

life insurance with participation of insurer in the investment income of the insurer;
 on the branch “general insurance” within following classes of insurance:
 insurance against accidents;
 insurance against diseases;
 insurance of motor transport;
 insurance of railway transport;
 insurance of air transport;
 insurance of water transport;
 insurance of cargos;
 insurance of property against damage, with the exception of classes indicated in ninth-thirteenth paragraphs of present subparagraph;
 insurance of civil liability of motor transport owners;
 insurance of civil liability of air transport owners;
 insurance of civil liability of water transport owners;
 insurance of civil liability, with the exception of classes indicated in fifteenth-seventeenth paragraphs of present subparagraph;
 insurance of loans;
 mortgage insurance;
 insurance of warranties and pawns;
 insurance against other financial losses;
 insurance of legal expenses.

Types of compulsory insurance determined by legislative acts and being separate classes of insurance:

compulsory insurance of civil liability of vehicles owners;
 compulsory insurance of civil liability of the carrier to passengers;
 compulsory insurance of civil liability of private notaries;
 compulsory insurance of civil liability of auditors and audit organizations;
 compulsory insurance of civil liability of tourist operators and travel agent;
 compulsory insurance in plant cultivation;
 compulsory insurance of civil liability of objects owners which activity is connected with harm-doing danger to third persons;
 compulsory insurance of civil liability of employer for harm-doing to life and health of employee upon his fulfillment of labor (official) duties.

3) Reinsurance activity.

Insurance company having license on the branch “general insurance” has the right to obtain license and fulfill reinsurance activity upon all classes of insurance exclusively in the branch “general insurance”.

Insurance company having license on the branch “life insurance” has the right to obtain license and fulfill reinsurance activity upon all classes of insurance exclusively in the branch “life insurance”.

Reinsurance company fulfilling reinsurance as exclusive type of activity has the right to fulfill reinsurance upon all classes of insurance in branches “life insurance” and “general insurance” on the basis of reinsurance license;

- 4) Activity of insurance broker;
- 5) Actuarial activity in insurance market;
- 6) Broker activity;
- 7) Dealer activity;
- 8) Activity on keeping of register system of securities holders;
- 9) Activity on investment portfolio management;

- 10) Activity on pension assets investment management;
- 11) Custody activity;
- 12) Transfer-agent activity;
- 13) Activity on organization of trade in securities and other financial instruments;
- 14) Activity on pension fees attraction and pension payments fulfillment;
- 15) Credit bureau activity.

2. Fulfillment of certain types of activity in financial sphere and activity connected with financial resources concentration is permitted only in the presence of license, with the exception of activity fulfilled by state bodies, credit companies, National Post operator as well as Development Bank of Kazakhstan within powers determined by legislative acts of the Republic of Kazakhstan.

Article 33. Licensing of activity in the sphere of architecture, municipal engineering and construction

Availability of license is required for carrying on of design-survey, expert, constructional-assembly works, works on manufacture of building materials, products and constructions.

This type of activity includes following sub-types:

1. Engineering-geodesic and engineering-geological surveys:
 - 1) construction and laying of geodesic centers;
 - 2) engineering-hydrological works;
 - 3) establishment of compilation survey networks;
 - 4) topographical survey on scale 1:5000-1:200;
 - 5) survey of underground communications and structures, tracing and survey of line structures;
 - 6) geodesic works connected with carrying to the nature with connection of engineering-geological excavations, geophysical and other survey points;
 - 7) geophysical investigations, reconnaissance and survey;
 - 8) field investigations of soil, hydrogeological investigations;
 - 9) laboratory investigations of soil, ground waters, bases and foundations;
2. Development of urban planning documentation:
 - 1) planning documentation (general layouts of settlements, projects of detail planning, building of districts, micro-districts, blocks and separate lots);
 - 2) transport schemes, external transport, street-road network;
 - 3) schemes of heat supply networks;
 - 4) schemes of water supply, drainage networks;
 - 5) schemes of gas supply networks;
 - 6) schemes of power supply networks;
 - 7) schemes of telecommunication and communication networks.
3. Architectural designing of buildings and structures of I, II or III responsibility level:
 - 1) general layouts of objects, projects of improvement and organization of relief;
 - 2) industrial objects;
 - 3) living buildings and structures including reconstruction and restoration of buildings and structures (except of historical and cultural memorials).
4. Constructional designing:
 - 1) bases and foundations*;
 - 2) concrete and reinforced concrete, stone and reinforced masonry structures*;
 - 3) steel and aluminium structures*;
 - 4) wooden structures*;

5) complete overhaul, reconstruction of buildings and structures, reinforcement of structures;

Note: * with the right to design for complete overhaul, reconstruction of buildings and structures, reinforcement of structures for this subtype of works.

5. Designing of engineering systems and networks:

- 1) heating (including electrical), ventilation, air-conditioning; water supply and sewerage;
- 2) heat supply;
- 3) main gas pipelines, oil pipelines, oil-products pipelines;
- 4) low pressure gas supply;
- 5) average and high pressure gas supply;
- 6) cold supply;
- 7) electric power supply to 0,4 kV, 10kV, electric lighting;
- 8) electric power supply to 35 kV, 110kV and higher;
- 9) automation of technological processes;
- 10) feeble current devices.

6. Development of special sections of projects:

- 1) labor protection;
- 2) antirust protection;
- 3) fire alarm, automation, fire fighting and fire protection systems on designing stage for new construction, complete overhaul, reconstruction or re-equipment of buildings and structures;

4) estimate documentation;

5) construction organization projects (COP) and work production projects (WPP).

7. Technological designing:

Public buildings and structures:

1) buildings for preschool education, general and special education, manpower training, research institution, designing and public organizations, management, cultural and show institutions, trading enterprises (including drugstores), catering and consumer services, sports-sanitary, sport buildings and structures, buildings and structures for recreation and tourism, multifunctional building and complexes including different types of premises;

2) buildings and structures for health care (excluding drugstores);

3) buildings and structures for transport intended for direct servicing of population, buildings for municipal services (except for industrial, warehouse and transport buildings and structures).

Industrial objects:

- 1) power industry enterprises;
- 2) oil and gas industry enterprises;
- 3) mining industry enterprises;
- 4) processing industry enterprises;
- 5) heavy machine-building enterprises;
- 6) medical, micro-biological and pharmaceutical industry enterprises;
- 7) dikes, dams, other hydro-engineering structures;
- 8) tower and mast structures and constructions;
- 9) lifting facilities;

10) enterprises, objects and communications of motor, railway, air, water transport including intra-urban transport (land motor and electrical, underground, over-ground, suspended, water transport);

11) enterprises, objects and communications of engineering infrastructure.

Communication objects and structures:

- 1) local communication lines, radio, telecommunications;
 - 2) general republican and international communication and telecommunication lines.
- Agricultural objects (with the exception of processing industry enterprises).

Transport construction:

- 1) railway tracks;
- 2) highways of all categories;
- 3) street-road network of urban electrical transport;
- 4) bridges and bridge passes.

8. Manufacture of building materials, products and structures, with the exception of certified:

- 1) ventilation, sanitary-technical, wiring equipment;
- 2) metal, polymeric and composite materials;
- 3) tower-mast elements, chimneys;
- 4) bridge and bridge passes elements;
- 5) reservoirs and tanks with volume to 5000 m³;
- 6) reservoirs and tanks operating under pressure or assigned for storage of highly explosive and environmentally hazardous materials;
- 7) bearing and fencing elements;
- 8) technological metal constructions and their parts.

9. Earthworks within constructional-assembly works.

10. Erection of bearing and fencing building structures of the first, second, third responsibility level constructions:

- 1) assembly of metal structures, armature installation;
- 2) steel reservoirs and tanks with volume to 5000 m³;
- 3) assembly of steel reservoirs and tanks operating under pressure or assigned for storage of highly explosive and environmentally hazardous materials;
- 4) assembly of building tower and mast structures, chimneys;
- 5) assembly of bearing structures of bridges;
- 6) assembly of building structures of lifting constructions (lifts, escalators, shaft headgears and elevators, rope ways and others);
- 7) assembly of building structures, blocks, apparatus and other technological structures of metallurgical, petrochemical, metal mining, power and other industry branches;
- 8) arrangement of monolithic concrete and reinforced concrete structures;
- 9) arrangement of bases and foundations, pile works;
- 10) assembly of combined concrete and reinforced concrete, bearing wooden structures, stone, brick, block laying and arrangement of partitions, assembly of filling structures and filling of apertures;

11) roofing.

11. Special building and assembly works, special soil works:

- 1) main networks of oil pipelines, gas pipelines, oil-products pipelines;
- 2) commercial networks of oil pipelines, gas pipelines;
- 3) well construction;
- 4) main power transmission lines with tension to 35kV;
- 5) main power transmission lines with tension to 110kV and higher;
- 6) gasification of dwelling and municipal objects;
- 7) hydrotechnical and mud protection structures, dikes, dams;
- 8) chimneys, silo, coolers, headgears;
- 9) laying of fire-proof materials;
- 10) assembly of highly explosive equipment;

11) assembly of technological pipelines of non-ferrous metals, polymeric materials and glass;

12) general national and international communication and telecommunication lines;

13) storages of oil, oil products and liquefied gases;

14) drilling, drilling-explosive soil works;

15) underwater-technical works and works on sea shelf;

16) earthworks in land-reclamation and water construction;

17) hydromechanized soil works;

18) tunnel works, arrangement of barriers, reinforcement of soils, level reduction of ground waters.

12. Works on the arrangement of external engineering networks and structures and internal engineering systems:

1) pipelines operating under pressure;

2) heat networks;

3) gas supply networks of low pressure;

4) gas supply networks of average and high pressure;

5) water supply and sewerage networks;

6) electric power supply networks, arrangement of electrical lighting;

7) electric power supply networks of railway tracks, power supply and electrical lighting networks of civil aviation organizations;

8) lines and internal systems of communication, radio, telecommunications and television;

9) ventilation, air-conditioning, pneumatic transport and aspiration;

10) electric power supply, electrical lighting, electrical heating;

11) heat supply;

12) gas supply;

13) water supply, sewerage.

13. Equipment and structures protection works:

1) waterproofing of building constructions;

2) thermal insulation of pipelines, building constructions and equipment;

3) setting and lining works;

4) antirust protection of building constructions and equipment, pipelines including chemical protective coverings upon aggressive water impact;

5) electrical-chemical protection of pipelines, constructions and equipment.

14. Finishing works upon the construction, reconstruction, complete overhaul of buildings and structures of the first and second responsibility level, with the exception of plastering and painting works.

15. Road construction works:

1) bases for railway tracks;

2) upper structure of railway tracks;

3) bases and coverings of national motor roads with the arrangement and small artificial structures;

4) foundations and coverings of local motor roads, foundations and coverings of internal motor roads with the arrangement and small artificial structures;

5) foundations and coverings of urban road network;

6) foundations and coverings of landing strips of airdromes and helicopter platforms.

16. Assembly of technological equipment including start-up and adjustment works:

1) lifting-transport, elevators;

2) metal processing;

3) wood processing;

- 4) metallurgical, crushing-grinding, concentrating and agglomerate;
- 5) oil-field, gas-field;
- 6) geological survey, drilling;
- 7) mining, subways and tunnels;
- 8) explosion protected electrical-technical equipment;
- 9) apparatus and control systems, anti-crash protection and alarm;
- 10) compressor machines, pumps and ventilators;
- 11) facility and equipment of communication, alarms, centralization and blocking on railway transport;
- 12) gas purification;
- 13) technological metal constructions, pipelines;
- 14) electrical-technical plants and equipment, electric stoves;
- 15) boiler plants, thermal-power and supplementary equipment;
- 16) industrial and domestic control and register devices;
- 17) enterprises of chemical and oil processing industry;
- 18) coal industry enterprises;
- 19) hydroelectric plants and hydrotechnical structures;
- 20) heating electric power stations;
- 21) communication enterprises;
- 22) building materials industry enterprises;
- 23) light industry enterprises;
- 24) theatrical-show buildings and structures;
- 25) enterprises of grain processing, food industry and granaries.

17. Complete overhaul and reconstruction including reinforcement of building structures and constructions of the first, second and third responsibility level including reinforcement structures works:

- 1) bearing and fencing structures of buildings and constructions (without modification of design model);
- 2) roof coverings and structures;
- 3) external and internal engineering networks (except of gas supply);
- 4) networks of gas pipelines, oil pipelines, oil-products pipelines, steam pipelines, air pipelines and other stationary transporting devices;
- 5) protective coverings of structures and equipment (setting, lining, insulating, antirust, chemical and others);
- 6) national and local highways, internal and urban street-road network;
- 7) railway tracks;
- 8) tunnels;
- 9) hydrotechnical and hydro-land reclamation structures;
- 10) repair and servicing of elevators, handling devices and structures;
- 11) bridge and bridge passes elements.

18. Engineering services when performing works for construction:

- 1) engineering service on control of quality, terms, value and acceptance of fulfilled building and assembly works and manufacture of building materials, products and structures fulfilled by subjects of works and services market by means of carrying out technological maintenance of construction process and by specialized laboratories;
- 2) attestation of labor and specialists;
- 3) technical audit and expertise of materials (documents) presented by licensees (licenses candidates) with examination of production-technical base and conformance to qualifying requirements of juridical and natural persons intending to obtain license;

4) expertise of designing(design-estimate) documentation sections in the sphere of architecture, municipal engineering and construction fulfilled by natural persons as well as by juridical persons not being the authorized body on architecture, municipal engineering and construction;

5) evaluation of reliability and stability of existing buildings and structures functioning including examination of technical condition of buildings (structures) and engineering systems and communications.

Availability of instructions on license validity either in regions (areas) of higher seismic danger or incompetence of licensee in designing and(or) construction on these territories is obligatory in list of designing and (or) building-assembly works enclosed to the license.

Article 34. Licensing of activity in the sphere of manufacture of national symbols of the Republic of Kazakhstan

Availability of license is required for manufacture of National flag of the Republic of Kazakhstan and National emblem of the Republic of Kazakhstan as well as material objects with their representation.

Article 35. Licensing of activity in the sphere of customs affair

Availability of license is required for carrying out activity fulfilled within separate customs regimes in accordance with customs legislation of the Republic of Kazakhstan as well as rendering of customs services.

This type of activity includes following subtypes:

- 1) activity within customs regime of customs warehouse;
- 2) activity of customs carrier;
- 3) activity within customs regime of temporary storage warehouse of goods and vehicles;
- 4) activity of customs broker.

Article 36. Licensing of activity in the sphere of industry

Availability of license is required for carrying out the following types of activity:

1. Purchase with the purpose of resale of electric energy.
2. Designing, manufacture, assembly, repair of chemical, drilling, oil-field, geological survey, mining, metallurgical, power equipment, explosion protected electrical-technical equipment, devices and control systems, fire prevention and alarm, lifting structures as well as boilers, vessels and pipelines operating under pressure.

This type of activity includes following subtypes:

designing (development of complex technical, constructional-technological documentation containing feasibility study, calculations, drawings, models, estimates, explanatory notes necessary for manufacture of equipment); manufacture (whole equipment, separate elements, blocks, spare parts, supplementary devices); assembly (assembling, adjustment and installation of structures, constructions, technological equipment, blocks, machines, apparatus, devices and other devices of fabricated parts, blocks, elements on maintenance stage of works, object); repair (condition diagnostics, serviceability or efficiency restoration of technical device, replacement of elements, repair, elimination of damages), current and planned repair (repair of breakdowns and malfunctions arising in the process or machines and equipment operation), mid-life and complete repair of equipment (restoration of partially or completely exhausted resource of machines, chemical, drilling, oil-field, geological survey, mining, metallurgical, power equipment, explosion protected electrical-technical equipment, apparatus and control systems, fire protection and alarm, lifting structures as well as boilers, vessels and pipelines operating under pressure:

1) designing, manufacture, assembly, repair of boilers and pipelines operating under pressure:

designing, manufacture (including separate elements, parts), assembly (on maintenance stage of works, object), repair (planned, complete repair, diagnostics, routine inspection and servicing of principal and supplementary equipment; fulfillment of works on constructions and equipment protection against rust, thermal insulation of pipelines and equipment, installation of stop valves; repair of chimneys and gas flues branching from boiler, repair of ash-and-slad removing devices) boilers and pipelines operating under pressure including:

steam boilers – utilizers;

super-heaters and economizers;

hot-water and steam-hot-water boilers operating under pressure;

steam and liquid boilers operating with high temperatures and organic heat carriers;

pipelines operating under pressure;

2) designing, manufacture, assembly, repair of lifting structures:

designing, manufacture ((including separate elements, parts), assembly (on maintenance stage of production, object), repair (planned preventive, complete, disassembly of lifting structures of all types and intentions, with the exception of lifting structures and devices used when carrying out oil operations; leveling and repair of crane runways; start-up and adjustment works on all types of lifting structures, technical diagnostics, examination of technical condition of lifting structures with expired life time in order to determinate possibility of further operation) of lifting structures including:

erecting cranes of all types;

crane-manipulators;

electric trucks moving on elevated tracks with control cab;

crane-excavators assigned for operation only with hook suspended on the rope or with electrical magnet;

hoists (with electric and manual drive);

mine underground facilities of all types (cage, skip, bucket) and purposes (human, cargo, human-cargo), winches of all types (tunnel, assembly, lever);

replaceable cargo-capturing elements (hooks, grab, loading electric magnets, etc.);

demountable cargo-capturing devices (slings, captures, traverses, etc.);

bearing package;

electric and hydraulic lifts;

floor and tunnel excavators;

beam cranes, telfers of all types and standard sizes;

3) designing, manufacture, assembly, repair of vessels and pipelines operating under pressure:

designing, manufacture (including separate elements, parts), assembly (on operation stage of production, object), repair (technical diagnostics, examination, current, planned and preventive, complete) of vessels and pipelines operating under pressure including:

vessels operating under gas pressure exceeding $0,7 \text{ kg/cm}^2$;

balloons intended for transportation and storage of compressed, liquefied and solute gases under pressure exceeding $0,7 \text{ kg/cm}^2$;

tanks and barrels for transportation and storage of liquefied gases which pressure exceeds $0,7 \text{ kg/cm}^2$ at temperature 50°C ;

tanks and barrels for transportation and storage of liquefied and compressed gases and granular materials where pressure exceeding $0,7 \text{ kg/cm}^2$ is created periodically for their bleeding;

stationary, piston and rotary compressors with determined power from 14kWt and higher;

- gas-balloon devices of motor transport using hydrocarbon gas as motor fuel;
- pipelines operating under pressure;
- locking and regulating devices and protectors, gas regulators of direct and indirect effect.
- 3. Manufacture and repair of measuring devices.
- 4. Collection, storage, processing and selling of scrap and wastes of non-ferrous and ferrous metals by juridical persons.

Article 37. Licensing of activity in the sphere of manufacture and circulation of ethyl alcohol and alcohol products, tobacco products

Availability of license is required for carrying on of following types of activity:

- 1. Manufacture of ethyl alcohol and alcohol products as well as storage, wholesale and retail selling of alcohol products (except of beer).
- 2. Manufacture of tobacco products.

Article 38. Licensing of activity in the sphere of information and communication

- 1. Availability of license is required for rendering of services in the sphere of communication.

This type of activity includes following subtypes:

- local, intertown, international telephone communication;
- IP-telephony (Internet-telephony), data transfer (including services of Internet and telegraph communication);
- telecommunications by separated communication network;
- satellite mobile communication;
- cellular communication (with indication of standard name);
- mobile telecommunication (including services of mobile radio/radio-telephone, trunk and pager communication);
- on provision with communication channels;
- post communication.

- 2. Licenses for activity in the sphere of communication using radio-frequency spectrum and numbering resource are issued on the competitive basis.

Terms and order of issuing licenses for activity in the sphere of communication including on the competitive basis as well as additional bases for denial of license issuing and suspension of license validity shall be determined by the Government of the Republic of Kazakhstan.

- 3. Obtaining of license is not required for the fulfillment of activity of:

- 1) natural and juridical persons having no own or rented networking or switching equipment and offering services of other network operators acting on the basis of corresponding licenses.

Relationship between such persons and operators of communication shall be regulated by concluded agreements which structure shall be coordinated with the licensor. Mediators shall render services under trademark of communication operators with whom they have concluded agreement. At that operator of communication is responsible for quality of services rendered to consumers and fulfillment of license effectiveness terms;

- 2) on creation and maintenance of networks intended for internal production activity and technological processes management including those using radio-frequency spectrum without rendering of communication services to third persons as well as without use of communication services rendered on the territory of the Republic of Kazakhstan by communication operators – non-residents of the Republic of Kazakhstan;

3) on creation and operation of mobile telecommunication networks (including mobile radio/radio-telephone, trunk and pager communication) having no connection to general communication network and intended for implementation of main type of activity not connected with activity in the sphere of communication.

Permission to use radio-frequency spectrum is issued by the body authorized in the sphere of communication in accordance with the legislation of the Republic of Kazakhstan in the field of communication in order to use frequency bands, radio frequencies (radio-frequency channels) in cases stipulated in subparagraphs 2), 3) of Paragraph 4 of Article 38 of this Law.

Article 39. Licensing of the activity in the sphere of agriculture, land-utilization, geodesy and cartography

The license shall be required for the following types of activity:

1. Execution of the land-utilization, topographic, geodesic and cartographic works of special and (or) sectoral purpose:

The given type of activity shall include the following subtypes:

- 1) land-utilization works;
- 2) topographic and geodesic works;
- 3) cartographic works.
2. Acceptance, weighting, drying, cleaning, storage and shipment of grain.
3. The activity on sales of grain for export;
4. The primary treatment of the raw cotton into the ginned cotton.

Article 40. Licensing of the activity in the field of environmental protection

The license shall be required for the environmental protection designing, rationing and works in the field of environmental impact assessment.

Article 41. Licensing of the activity in the field of servicing of natural and juridical persons

The license shall be required for the following types of activity:

1. Services on physical training and health improving, on sports, except for the activity conducted by educational institution.

2. Administration of estate and of the cases of insolvent debtors at the processes of bankruptcy.

3. Evaluation of property (except for the intellectual property objects and intangible assets).

4. Evaluation of intellectual property, intangible's value.

5. Legal services:

The given type of activity shall include the following subtypes:

- 1) the security activity;
- 2) the private investigation activity
6. Activity in the field of gambling industry.

The gambling business includes the following subjects:

- 1) casino;
- 2) totalizator;
- 3) bookmaker's office;
- 4) room with playing machines with money prize.
7. Exportation of manpower from the Republics of Kazakhstan abroad.
8. Travel operating activity, travel agency's activity, services of a tourist guides.
9. Auditing activity.

10. Environmental auditing activity.

Article 42. Licensing of the activity in the field of transport

The license shall be required for the following types of activity:

1. Manufacturing and repair of railway rolling stock and special containers, used for transportation of hazardous cargoes.
2. Activity of sea and river harbors connected with service of sea crafts, river boats, passengers and cargoes.
3. Activity related to the traffic safety: installation, assembling, repair and operation of technical devices for traffic control.
4. Transportation of passengers and freights by railway, sea, river, and motor transport.

Article 43. Licensing of currency transactions and of the activity connected with the with use of currency valuables

The license shall be required for the following types of currency transactions and the activity with the use of currency valuables:

- 1) retail trade and rendering of services for foreign exchange in cash;
- 2) currency transactions.

Chapter 6. Licensing of export and import of goods

Article 44. General provisions

The licensing of export and import of goods is the procedure of submitting to the corresponding authorized body of the application and the corresponding documentation (different than those required for customs) as a preliminary provision for import to the customs territory of the Republic of Kazakhstan or export of goods from the customs territory of the Republic of Kazakhstan.

At that, licensing of export and import of goods should not have more limitative or disfiguring impact on import and/or export of goods, than the aims for execution of which these limitations have been implemented.

Article 45. Licensing of export and import of certain goods

1. The list of goods, the procedure of issuing licenses on import and/or export of goods shall be established by the Government of the Republic of Kazakhstan.

2. The license shall be issued to the applicant for a period of calendar year for import and/or export of goods – by each separate contract.

The license shall be issued for one type of good, irrespective of the quantity of its names, included at the contract.

To persons, fulfilling certain types of activity by general license, the license for import of certain goods, constantly used in certain type of activity, shall be issued (for the volume of annual import, irrespective of the quantity of contracts) without limitation of validity term.

3. On motivated request of the applicant the validity period of the one-time license can be prolonged.

One-time licenses shall be the permission for export and import of goods within the time frames specified in the licenses and shall serve as a ground for the customs clearance of goods.

Article 46. Licensing of export of goods

1. Licensing of export of goods may take place in cases, if:
 - 1) the subject for export shall be the goods which selling or use at the internal market is implemented on the ground of the license;
 - 2) the production and selling of the given good is under the state monopoly. Appropriation of certain types of activity to the state monopoly shall be done by the legislation of the Republic of Kazakhstan on state monopoly.
2. The Government of the Republic of Kazakhstan shall introduce the licensing order for export of goods based on other grounds, including the reasons of internal commodity and foods markets' protection for the sake of the customers and as a result the limitation of export of the deficient goods abroad.
3. The licenses issued for export of good to one country can not be used for export of the same good to another country.

Article 47. Licensing of import of goods

The licensing of import of goods shall be implemented upon introducing temporary quantitative restrictions of import of certain types of goods, as well as on considerations of national security of the state, life and health of citizens, and the environment.

When licensing import of goods, the time frame for consideration of applications should not exceed thirty working days, if the applications are considered upon their submission, and sixty working days, if all the applications are considered simultaneously.

In case when the applications are considered simultaneously, the period of applications processing shall be considered as started from the day following the final date of announced time frame.

Article 48. Automatic licensing of import of certain goods

An automatic licensing of import is a licensing that does not limit import, and when the application can be approved in any cases. At that, any person, firm or institution, meeting the requirements of the importer for carrying out the import transactions has the equal right to appeal and obtain the license for import. The applications to obtain licenses for import can be submitted on any working day prior to the custom clearance of goods and the applications for obtaining licenses shall be approved immediately on reception within the maximum period of 10 working days, if they were submitted in proper and complete form.

The list of goods that are subject to automatic licensing of import as well as the order of issuing of licenses shall be approved by the Government of the Republic of Kazakhstan.

Chapter 7. Terms and order of issuing licenses and/or attachment to a license

Article 49. Terms of issuing a license and/or attachment to a license

1. An attachment to a license for list of works and services, location of production plant (if present), the branches of a juridical person, located on the territory of the Republic of Kazakhstan, the licensor of which is the central state body or the agency of the central state body shall be issued by the central state body or the agency of the central state body.

If the licensor is the local executive authority of the oblast (of the city of republican subordination, of the capital), the executive authority, financed from the local budget:

- 1) within its competence issues the licenses including at the attachment the list of works and services, location of production plant (if present), the branches of the juridical person;

2) the branch offices of a juridical person, located in other regions, shall be included in the scope of the given license on the ground of the attachment to the license, issued by the corresponding licensor at place of the official registration of the branch office.

2. The licensors - the local executive authorities of the oblast (of the city of republican subordination, of the capital), the executive authorities, that are financed from local budget, are prohibited to issue the licenses to juridical or natural persons, which have passed the state registration outside the territory under the authority of the given licensor .

3. The order and terms of issuing, refusal, suspension, termination of the license validity for financial activity and the activity, connected with the concentration of financial resources, shall be set by the National Bank of the Republic of Kazakhstan and the authorized body on regulation and supervision of financial market and financial institutions in accordance with the legal acts of the Republic of Kazakhstan.

The order and terms of issuing, refusal, suspension, termination of the license validity for the activity, connected with usage of currency valuables, as well as the list of such transactions shall be set by the National Bank of the Republic of Kazakhstan in accordance with the legal acts of the Republic of Kazakhstan on the currency regulation and control.

4. The following documents shall be required to obtain a license:

- 1) the standard application;
- 2) the notary certified photo copies of the Charter (except for the export and import transactions) and the certificate of state registration of the applicant as a juridical person – for a juridical person;
- 3) a photo copy of the identification card – for a natural person;
- 4) a notary certified photo copy of the certificate of state registration of the applicant as an individual entrepreneur– for an individual entrepreneur;
- 5) a photo copy of the certificate of registration as a tax payer in the taxation body, notary certified;
- 6) a notary certified photo copy of the document confirming the unified identification code issued by the authorized body of the state statistics of the Republic of Kazakhstan (for juridical persons);
- 7) the document proving the payment into the budget of the licensing fee for carrying out certain types of activity;
- 8) the information and the documents in accordance with the qualification requirements to the applied type of activity.

The additional requirements to the list of the documents when issuing the license for right to carry out activity in financial area and the activity, connected with the concentration of financial resources, can be set also by the National Bank of the Republic of Kazakhstan and the authorized body on regulating and supervision of the financial market and the financial institutions in accordance with the legal acts of the Republic of Kazakhstan.

5. In case of obtaining of an attachment to the license the following documents shall be required:

- 1) the standard application of the head office of the juridical person;
- 2) a photo copy of the license of the head office of the juridical person, notary certified;
- 3) the information and the documents in accordance with the qualification requirements to the applied type of activity (except for the documents, specified in sub-items 1)-7) of the item 4 of this article).

When issuing the attachments to the license (the duplicates of the attachments to the license) the licensing fee shall not be charged.

6. All the documents, submitted to the corresponding licensor for issuing the license and/or the attachment to the license, shall be accepted according to the list, the copy of which

shall be send (given) to the applicant with the note on the date of receipt of the documents by the licensor.

7. The responsibility for authenticity of the submitted document for obtaining the license is held by the applicant in accordance with the order established by the administrative legislation.

Article 50. The procedure of submitting the conclusions for issuing the licenses

If it is necessary when issuing a license to obtain a conclusion in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and state energy supervision the following shall be done:

1. The licensor during three working days from the day of registration of applicant's documents for obtaining a license, and during two working days for the subjects of small entrepreneurship, shall submit the request to the bodies in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and the state energy supervision at the place of the applicant's state registration about the conclusion on compliance of the applicant with the requirements established in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and the state energy supervision.

2. The bodies in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and the state energy supervision on the basis of the request of the licensor during twenty working days, and during six working days for the subjects of small entrepreneurship, shall establish the compliance of the applicant with the requirements in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and the state energy supervision.

3. The conclusion, proving the compliance of the applicant with the requirements in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and the state energy supervision during seven working days from the date of expertise, and during two working days for the subjects of small entrepreneurship shall be send by the bodies to the corresponding licensor.

4. The forms of the conclusion on compliance of the applicant to the requirements in the field of environmental protection, of nuclear, radiation, sanitary and epidemiologic, industrial, fire safety and the state energy supervision shall be approved by the authorized body in coordination with the concerned central state bodies.

Article 51. The terms of consideration of the applications on issuing of a license and (or) an attachment to the license

1. The license and an attachment to the license shall be issued not later than during thirty working days, and during ten working days for the subjects of small entrepreneurship, from the date of submission of the application with the corresponding documents, established by this Law.

The licensor shall be obliged to issue a license during the period fixed by this article or to give reasoned reply in writing on the reasons of refusal to issue a license.

2. If the licensor has failed to issue a license to the applicant for carrying out certain type of private entrepreneurial activity within the terms set by this Law or has not notified the applicant in writing on the reason of refusal to issue a license, then after five working days from the date of expiration of the terms, fixed by this Law for issuing the license, the applicant shall notify the corresponding licensor in writing about the commencement of carrying out the type of private entrepreneurial activity applied by him.

The licensor not later than during five working days from the receipt of the applicant's written notification, shall be obliged to issue the license for the applied type of private entrepreneurial activity from the date, indicated in the written notification of the applicant.

If the licensor has failed to issue the license within five working days from the date of receipt of the applicant's written notification, the applicant has a right to appeal these actions judicially.

Article 52. The licensing fee for the right to carry out certain types of activity

When issuing the license (the duplicate of a license) for carrying out certain types of activity, that are subject to licensing in accordance with the legislation of the Republic of Kazakhstan on licensing, the licensing fee fixed by the Tax Code of the Republic of Kazakhstan for the right to carry out certain types of activity shall be charged, which shall be paid to the licensor prior to submitting the documents, required to obtain the license (the duplicate of a license).

The Tax Code of the Republic of Kazakhstan shall define the payers, the order of the calculation, the payment and the return of the paid sums of the licensing fee for the right to carry out certain types of activity.

The Government of the Republic of Kazakhstan shall fix the rates of the licensing fee for issue the license for the right to carry out certain types of activity.

Chapter 8. Re-issuing, issuing of the duplicates, suspension and annulment of the license and/or the attachment to the license

Article 53. Re-issuing, issuing of the duplicates of the license and/or the attachment to the license

1. In case of loss, damage of the license and/or the attachment to the license the license holder shall have a right to obtain the duplicates of the license and/or the attachment to the license.

The lost, damaged license form and/or the license attachment's form shall be considered invalid from the date of submitting by the license holder the written application (with attachment of the documents, proving the fact of loss, damage of the license and/or the attachment to the license) to the licensor .

The licensor shall issue the duplicate of the license and/or the attachment to the license within ten working days from the date of the receipt of the application, the duplicate shall be given a new number and is marked with the inscription "Duplicate" in the right top corner.

When issuing the duplicate of a license the license holder shall pay the licensing fee for the right to carry out certain types of activity in accordance with the procedure established in the Tax Code of the Republic of Kazakhstan.

2. In case of change of the natural person's name, first name and the patronymic name, **at the restructuring of a juridical person of one type to a juridical person of another type (change of the organizational and legal form)**, the changes of the name, the location (if indicated in the license) of the juridical person (branch office), as well as the changes of the name of the type of activity, the person shall be obliged within one month to submit the application about re-registration of the license and/or the attachment to the license with the enclosure of corresponding documents, proving the given information.

The licensor shall re-issue the license and/or the attachment to the license within ten working days from the date of receipt of the application of the license holder.

When re-issuing the license, the licensing fee for the right to carry out certain types of activity shall be paid in accordance with the procedure established by the Tax Code of the Republic of Kazakhstan.

Article 54. Refusal in issuing the license

1. The refusal in issuing the license may occur in the cases if:
 - 1) it is prohibited by the legislation to the given category of subjects to carry out certain type of activity;
 - 2) not all the documents required in compliance with this law have been submitted. When the applicant has eliminated the specified obstacles the application shall be considered according to standard order;
 - 3) the licensing fee for the right to carry out certain types of activity has not been paid;
 - 4) the applicant does not conform with the qualification requirements and the requirements of licensing, set by the legislation;
 - 5) there is a court decision in reference to the applicant, prohibiting him to carry out certain type of activity.

The additional requirements for refusal in issuing the license for the right to carry out the activity in the financial sphere and the activity, connected with concentration of financial resources, as well as in the field of currency transactions and the activity (operations) connected with usage of the currency valuables, can be set by the National Bank of the Republic of Kazakhstan and by the authorized body on regulation and supervision of the financial market and the financial institutions pursuant to the legislation of the Republic of Kazakhstan.

2. At the refusal in issuing the license the licensor shall give to the applicant the motivated answer in written form in terms, fixed for issuing the license.

3. When the juridical person has branch offices, it can be refused to issue the attachment to the license in accordance with sub-items 2), 4) of item 1 of the article 54 of this Law.

Article 55. The appeal of the refusal in issuing the license

If the license has not been issued within the term fixed by this Law (with the exception of private entrepreneurial types of activity) or the applicant considers that the refusal in issuing the license is groundless (for all types of activity), he has the right to appeal this action in accordance with the procedure established by the legislation.

Article 56. The annulment of the license and/or the attachment to the license

1. The license and/or the attachment to the license shall be terminated in the following cases:

- 1) expiration of the validity period of the license and/or attachment;
- 2) complete execution of actions (transactions) for which the license and/or the attachment to the license had been issued;
- 3) deprivation of the license and/or the attachment to the license;
- 4) termination of the activity of the natural person, liquidation of the juridical person (the branch), reorganization of the juridical person, except for the reorganization in form of transformation or separation;
- 5) voluntary return of the license and/or the attachment to the license to the licensor;
- 6) exclusion of the certain type of activity from the list of subjects for licensing;
- 7) absence of activity by the obtained license during one year.

2. Upon annulment of the license and/or the attachment to the license the license holder shall be obliged to return the license to the licensor during 10 working days.

The responsibility for the breach of terms of item 2 of article 56 of this Law shall be taken by the license holder in accordance with the procedure established by the legislation.

3. The disputes, connected with the termination of the license and/or the attachment to the license validity period, shall be settled by courts.

Article 57. Suspension of the validity period, deprivation of the license and/or the attachment to the license

1. Non-conformity of the license holder with the requirements, established by the legislation of the Republic of Kazakhstan and the qualification requirements for the type of activity the license had been issued, shall be the ground for suspension of the license and/or the attachment to the license, issuing the instruction on eliminating the infringements with indication of the term, as well as initiation of measures to be taken.

2. The licensor has a right to suspend the license, as in general, so in reference to certain parts of the attachment for the period up to six months with indication of the reason of the suspension.

The attachment to the license shall be suspended in cases of issuing the instruction on eliminating the infringements of qualification requirements with indication of the term.

In cases when the license holder has failed to eliminate the breaches which have been specified in the instruction, during the term indicated in the instruction, the validity period of the whole license shall be suspended in accordance with the procedure set by this Law.

3. The license holder has the right to appeal judicially the decision on suspension of the license and/or the attachment to the license. When the court takes a decision on legitimate character of the suspension of the license and/or the attachment to the license, then the suspension period shall be calculated from the date of taking such a decision by the licensor.

4. Upon expiration of the suspension period of the license and/or the attachment to the license, when the causes produced the suspension of the license and/or the attachment to the license had been eliminated, the licensor shall renew the effect of the license and/or the attachment to the license by his decision.

5. Deprivation of the license and/or of the attachment to the license shall be carried out judicially except for the cases of deprivation of the license for carrying out the activity in the financial sphere and the activity, connected with the concentration of the financial resources.

Deprivation of the license and/or of the attachment to the license shall be done in the following cases:

1) if the license holder failed to meet the requirements for the given type of licensable activity;

2) if the court prohibited the license holder to carry out the type of the activity for which he has a license and/or the attachment to the license;

3) if the license holder failed to eliminate the reasons on the ground of which the licensor or the court has suspended the period of validity to the license and/or the attachment to the license;

4) when the license holder has submitted information known to be false upon obtaining the license and/or the attachment to the license;

5) if the license holder repeated the breach during the same year when he has already got a suspension of the license;

In case of deprivation of the license and/or the attachment to the license the repeated application for issue of the license shall be possible upon expiration of one year from the deprivation date.

Chapter 9. Implementation of the control and the responsibility for a breach of the legislation on licensing

Article 58. Introduction of licenses registers

1. The licensors keep the register of licenses for the types of activity, the licensing of which they carry out.

The following information must be specified in the register of licenses:

- name of a licensor;
 - date of license issuing;
 - standardized identification code issued by the authorized body of state statistics of the Republic of Kazakhstan – for juridical persons;
 - name and organizational and legal form, location – for juridical persons;
 - name, first name and patronymic name, address, details of an identification card of a natural person, and a number and date of issuing a certificate in case of state registration of the natural person as an individual entrepreneur – for individual entrepreneur;
 - licensable type of the activity (licensable sub-types of activity, branch offices)
 - period of validity of a license;
 - a tax payer's registration number;
 - reasons and the date of license re-registration;
 - reasons and the date of license suspension and renewal of the license validity;
 - reasons and the date of license annulment.
2. The unified form of the register of licenses shall be approved by the authorized body.

Article 59. Implementation of the state control

1. The state control functions of the licensor carried out by him within the limits of his competence shall be the following:
 - 1) Assessment of conformity of the applicant with the qualification requirements when obtaining the license;
 - 2) Record of number of the issued licenses by means of keeping the register;
 - 3) Licensing control.
2. The implementation of the control-supervision functions in the field of health care shall be carried out by the authorized body in the field of health care.

Article 60. Compensation for damages

The compensation for damages caused by un-justified refusal in issuing the license or the breach of the license holder's rights shall be carried out in accordance with the procedure established by the civil legislation.

Article 61. The responsibility for the implementation of the activity subject to licensing with the breach of the legislation on licensing

1. Carrying out certain types of activity without corresponding license shall lead to the administrative and the criminal liability established by the legislation.
2. Income gained due to carrying out certain types of activity, with regard to which the licensing order has been established, without a license, shall be subject to confiscation into the budget in accordance with the legislation of the Republic of Kazakhstan.
3. The licensors and their officials shall bear responsibility for a breach of the legislation on licensing in accordance with the legal acts of the Republic of Kazakhstan.

Article 62. The order on enforcement of this law

1. This Law shall enter into force from the date of its official publication.
2. The sub-item 2 of the article 43 of this Law shall be effective till 31st of December 2006.

3. The following laws shall be annulled:

The Law of the Republic of Kazakhstan of 17th April 1995 “On Licensing” (The Bulletin of the Supreme Council of the Republic of Kazakhstan, 1995, N3-4, p. 37; N12, p. 88 N 14, p. 93; N 15-16, p. 109; N 24, p. 162; the Bulletin of the Parliament of the Republic of Kazakhstan, 1996, N 8-9, p. 236; 1997, N 1-2, p. 8; N 7, p. 80; N 11, p. 144, 149; N 12, p. 184; N 13-14, p. 195, 205; N 22, p. 333; 1998, N 14, p. 201; N 16, p. 219; N 17-18, p. 222, 224, 225; N 23, p. 416; N 24, p. 452; 1999, N 20, p. 721, 727; N 21, p. 787; N 22, p. 791; N 23, p. 931; N 24, p. 1066; 2000, N 10, p. 248; N 22, p. 408; 2001, N 1, p. 7; N 8, p. 52, 54; N 13-14, p. 173, 176; N 23, p. 321; N 24, p. 338; 2002, N 2, p. 17; N 15, p. 151; N 19-20, p. 165; 2003, N 1-2, p. 2; N 4, p. 25; N 6, p. 34; N 10, p. 50, 51; N 11, p. 69; N 14, p. 107; N 15, p. 124, 128, 139; 2004, N 2, p. 9; N 5, p. 27; N 10, p. 54; N 14, p. 82; N 15, p. 86; N 16, p. 91; N 17, p. 98; 2005, N 7-8, p. 23; the Law of the Republic of Kazakhstan of 9th June 2005 “On Amendments and Addenda in Legal Acts of the Republic of Kazakhstan on Currency Regulating and Currency Control” published in the newspapers “Yegemen Kazakhstan” and “Kazakhstanskaya pravda” on 17th of June 2005; the Bulletin of the Parliament of the Republic of Kazakhstan, 2005, N 14, p. 55).

President
of the Republic of Kazakhstan