

Annex V

Law of the Republic of Kazakhstan No. 45-III LRK of 15 April 2005 «On Amendments and Addenda to Legislative Acts of the Republic of Kazakhstan on Licensing»

Article 1. To amend and add the following legislative acts of the Republic of Kazakhstan:

1. The Code of the Republic of Kazakhstan “On Taxes and Other Compulsory Payments to the Budget (Tax Code)” of 12 June 2001 (Gazette of the Parliament of the Republic of Kazakhstan, 2001, No. 11-12, article 168; 2002, No. 6, article 73, 75; No. 19-20, article 171; 2003, No. 1-2, article 6; No. 4, article 25; No. 11, article 56; No. 15, article 133, 139; No. 21-22, article 160; No. 24, article 178; 2004 г., No. 5, article 30; No. 14, article 82; No. 20, article 116; No. 23, article 140, 142):

subparagraph 6) of paragraph 4 of article 371:

to change words “and veterinary” with words “; of the activity in the sphere of the veterinary medicine: manufacture and selling of veterinary preparations; selling of medicines, biological preparations for veterinary purposes; veterinary and sanitary expertise of products and raw materials of animal origin; veterinary medical and prophylactic activity” in the second paragraph;

to eliminate words “and selling” in the fifth paragraph;

to eliminate the seventh paragraph;

to eliminate words “and selling of topographic-geodesic and cartographic products” in the fourteenth paragraph;

to eliminate the word “verification,” in the fifteenth paragraph;

the seventeenth paragraph to reword as the follows:

“of the activity connected with the protection of traffic safety: installation, assembly, repair, maintenance of technical facilities for traffic control”;

to eliminate the twenty second and twenty third paragraphs;

to eliminate the word “,of the construction” in the twenty fifth paragraph;

to eliminate the twenty eighth paragraph;

the twenty ninth paragraph to set forth as the follows:

“of manufacture and repair of railway vehicles; of manufacture and repair of special containers used for transportation of hazardous goods”;

to insert the thirty second paragraph as follows:

“of environmental design, norm-setting and works in the sphere of ecological expertise”.

2. The Law of the Republic of Kazakhstan “On Licensing” of 17 April 1995 (Gazette of the Supreme Council of the Republic of Kazakhstan, 1995, No. 3-4, article 37; No. 12, article 88; No. 14, article 93; No. 15-16, article 109; No. 24, article 162; Gazette of the Parliament of the Republic of Kazakhstan, 1996, No. 8-9, article 236; 1997 No. 1-2, article 8; No. 7, article 80; No. 11, article 144, 149; No. 12, article 184; No. 13-14, article 195, 205; No. 22, article 333; 1998, No. 14, article 201; No. 16, article 219; No. 17-18, article 222, 224, 225; No. 23, article 416; No. 24, article 452; 1999, No. 20, article 721, 727; No. 21, article 787; No. 22, article 791; No. 23, article 931; No. 24, article 1066; 2000, No. 10, article 248; No. 22, article 408; 2001, No. 1, article 7; No. 8, article 52, 54; No. 13-14, article 173, 176; No. 23, article 321; No. 24, article 338; 2002, No. 2, article 17; No. 15, article 151; No. 19-20, article 165; 2003, No. 1-2, article 2; No. 4, article 25; No. 6, article 34; No. 10, article 50, 51; No. 11, article 69; No. 14, article 107; No. 15, article 124, 128, 139; 2004, No. 2, article 9; No. 5, article 27; No. 10, article 54; No. 14, article 82; No. 15, article 86; No. 16, article 91; No. 17, article 98):

1) to insert words “(operations)” after the word “actions” in paragraph 1 of article 1;

2) article 2 to reword as the follows:

“Article 2. Basic concepts used in the present Law

The following basic concepts are used in the present Law:

1) qualification requirements – requirements to be met by natural and juridical persons pretending to the right to carry out a certain type of activity or to fulfill certain actions (operations);

2) licensor – corresponding authorized state body issuing a license, re-registering, suspending, terminating and renewing its validity;

3) licensee – natural or juridical person having the license for the right to carry out a certain type of activity or to fulfill certain actions (operations);

4) license – permit, issued by corresponding authorized state body to natural or juridical persons, for carrying out of certain type of activity or the fulfillment of certain actions (operations);

3) article 3:

to insert the word “(operations)” after the word “actions” in paragraph 5

to change words “may occur for reasons of” with words “with the purpose” in paragraph 6

4) article 5:

paragraph 1 to reword as the follows:

“1. Issue of licenses to the applicant is carried out by licensors determined by legislative acts of the Republic of Kazakhstan and (or) by the Government of the Republic of Kazakhstan.”

to insert paragraph 1-1 as follows:

“1-1. The state body coordinating the activity of corresponding authorized state bodies in the field of licensing, is determined by the Government of the Republic of Kazakhstan.”

paragraph 3 to set forth as the follows:

“3. Licensors are permitted to delegate powers on licensing to the corresponding territorial subdivisions by the agreement with the state body coordinating the activity of state bodies in the field of licensing. State bodies officials take responsibility determined by the laws of the Republic of Kazakhstan for the transfer of state functions implementation to non-state organization, including public associations.”

5) to insert words “and (or) by the National bank of the Republic of Kazakhstan” to the part three of article 6;

6) to insert words “(operations)” after the word “actions” to the part one of paragraph 1 of article 7;

7) article 9:

paragraph 1:

subparagraph 6) to reword forth as follows:

“6) all types of activity, connected with atomic energy use, in accordance with legislative acts of the Republic of Kazakhstan;”

to eliminate the word “, construction” in subparagraph 11), and to add words “. List of manufactures, equipment, objects, works (services) is approved by the Government of the Republic of Kazakhstan” after the words “and gas”;

to eliminate words “and selling” in subparagraph 16);

to eliminate subparagraphs 18) and 22);

to eliminate words “and selling of topographic-geodesic and cartographic products” in subparagraph 26);

subparagraph 29) to reword forth as follows:

“29) processing of mineral raw materials (excepting processing of generally used minerals according to the list adopted by the Government of the Republic of Kazakhstan);”

to eliminate the word “verification” in subparagraph 31);

to eliminate subparagraph 35);

to insert subparagraph 45-1) as follows:

“45-1) primary processing of raw cotton into lint cotton;”

to eliminate the word “, excursion” in subparagraph 46;

subparagraphs 47) and 48) to reword as follows:

“47) manufacture and repair of railway vehicles; manufacture and repair of special containers used for transportation of hazardous goods;

48) activity connected with the protection of traffic safety: installation, assembly, repair, maintenance of technical facilities for traffic control;”;

to insert subparagraphs 58)-60) as follows:

“58) ecologically hazardous types of economic activity according to the list adopted by the Government of the Republic of Kazakhstan;

59) ecological audit activity;

60) environmental design, norm-setting and works in the field of ecological expertise.”;

to eliminate words “of the activity on natural resources use and environmental protection as well as licensing” in paragraph 2;

8) article 10:

to eliminate words “and veterinary” in subparagraph 2);

to insert subparagraph 2-1) as follows;

“2-1) activity in the field of veterinary medicine: manufacture and selling of veterinary preparations, selling of medicines, biological preparations for veterinary purposes; veterinary and sanitary expertise of products and raw materials of animal origin; veterinary medical and prophylactic activity;”;

to eliminate subparagraph 5);

subparagraph 6) to set forth as follows:

“6) notarial activity;”;

to eliminate words “, totalizators, casino” in subparagraph 7);

to insert subparagraph 7-1) as follows:

“7-1) activity in the sphere of gambling industry;”;

to eliminate subparagraph 10-2):

9) to insert the part two to paragraph 3 of article 12 as follows:

“A license for importation of certain goods (works, services) included into the list determined by the Government of the Republic of Kazakhstan and permanently used in this type of activity, is issued (per volume of annual import irrespective of contracts number) without the restriction of the validity period, to persons carrying out certain types of activity under the general license.”;

10) the part two of article 15 to reword as follows:

“Qualification requirements to types of activities subject to licensing shall be adopted by the Government of the Republic of Kazakhstan.

The list of types of activities subject to licensing in accordance with the present Law, for which the conclusion of bodies in the field of environment protection, industrial safety and state energy supervision, sanitary and epidemic service is necessary, shall be adopted by the Government of the Republic of Kazakhstan.”;

11) article 16:

to change the word “licensee” with the word “applicant” in subparagraph 2) of the part one;

to change words “licensee (subject)” with the word “applicant” in the part four;

12) to change the word “products” with words “goods (works and services) for” in subparagraph 1) of paragraph 3 of article 19;

13) to insert the word “(operations)” after the word “actions” to subparagraph 2) of paragraph 1 of article 21;

14) to change words “containing in the license” with words “presented for this type of activity subject to licensing” in subparagraph 1) of paragraph 1 of article 22;

15) article 24:

to eliminate paragraph 2;

to change words “State bodies (licensors)” with the word “Licensors” in paragraph 3.

3. The Law of the Republic of Kazakhstan “On Airspace Use and Aviation Activity of the Republic of Kazakhstan” of 20 December 1995 (Gazette of the Supreme Council of the Republic of Kazakhstan, 1995, No. 23, article 148; Gazette of the Parliament of the Republic of Kazakhstan, 2001, No. 23, article 321; No. 24, article 338; 2002, No. 15, article 147; 2003, No. 10, article 54; 2004, No. 23, article 142):

to eliminate the part one of article 82-1.

4. The Law of the Republic of Kazakhstan “On Traffic Safety” of 15 July 1996 (Gazette of the Parliament of the Republic of Kazakhstan, 1996, No. 14, article 273; 2001, No. 24, article 338; 2003, No. 10, article 54; No. 12, article 82; 2004, No. 23, article 142):

article 9:

to change words “of juridical and natural” with words “of natural and juridical” in paragraph 1; paragraph 2 to reword forth as follows:

“2. Types of activity and licensing order are determined by the legislation of the Republic of Kazakhstan on licensing.”.

5. The Law of the Republic of Kazakhstan “On Environmental Protection” of 15 July 1997 (Gazette of the Parliament of the Republic of Kazakhstan, 1997, No. 17-18, article 213; 1998, No. 24, article 443; 1999, No. 11, article 357; No. 23, article 931; 2001, No. 13-14, article 171; No. 24, article 338; 2002, No. 17, article 155; 2004, No. 10, article 57; No. 23, article 137, 142):

1) to insert words “according to the list adopted by the Government of the Republic of Kazakhstan” after the word “activity” to subparagraph 1) of article 21;

2) to insert words “of the Republic of Kazakhstan on licensing” to the part two of article 22;

6. The Law of the Republic of Kazakhstan “On Local Public Administration in the Republic of Kazakhstan” of 23 January 2001 (Gazette of the Parliament of the Republic of Kazakhstan, 2001, No. 3, article 17; No. 9, article 86; No. 24, article 338; 2002, No. 10, article 103; 2004, No. 10, article 56; No. 17, article 97; No. 23, article 142; No. 24, article 144):

to insert words “on licensing” to subparagraph 22-3) of paragraph 1 of article 27 and to subparagraph 22) of paragraph 1 of article 31.

7. The Law of the Republic of Kazakhstan “On State Regulation of Civil Aviation” of 15 December 2001 (Gazette of the Parliament of the Republic of Kazakhstan, 2001, No. 23, article 320; 2004, No. 23, article 142):

- 1) to eliminate subparagraphs 3) and 4) of paragraph 2 of article 9;
- 2) to eliminate the second sentence of the part two of paragraph 2 of article 14.

8. The Law of the Republic of Kazakhstan “On Institutions of Justice” of 18 March 2002 (Gazette of the Parliament of the Republic of Kazakhstan, 2002, No. 6, article 67; 2004, No. 23, article 142; No. 24, article 154):

- 1) to insert words “on licensing” to subparagraph 2) of article 17;
- 2) in paragraph 1 of article 19:

to insert words “on licensing” to subparagraph 1);

to eliminate words “licensing of activity on rendering of paid legal services not connected with advocacy,” in subparagraph 3).

9. The Law of the Republic of Kazakhstan “On Geodesy and Cartography” of 3 July 2002 (Gazette of the Parliament of the Republic of Kazakhstan, 2002, No. 13-14, article 141; 2004, No. 23, article 142):

article 7 to reword as follows:

“Article 7. State licensing of topographic-geodesic and cartographic activity

Licensing of topographic-geodesic and cartographic activity is carried out in accordance with the legislation of the Republic of Kazakhstan on licensing.”.

10. The Law of the Republic of Kazakhstan “On Veterinary” of 10 July 2002 (Gazette of the Parliament of the Republic of Kazakhstan, 2002, No. 15, article 148; 2004, No. 23, article 142):

to insert words “on licensing” to paragraph 1 of article 12.

11. The Law of the Republic of Kazakhstan “On Sanitary and Epidemiological Welfare of Population” of 4 December 2002 (Gazette of the Parliament of the Republic of Kazakhstan, 2002, No. 21, article 176; 2004, No. 23, article 142):

to eliminate subparagraph 13) of article 7.

Article 2. Present Law comes into force from the date of its official publication.

President
of the Republic of Kazakhstan

N. NAZARBAYEV