

LAW No. 214 OF 11TH JANUARY 2007 OF THE REPUBLIC OF KAZAKHSTAN

CONCERNING LICENSING

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AMENDMENTS AND ADDITIONS INTRODUCED BY:

Q) translation of the original text;

1) *Law No. 320 of 27th July 2007 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Education. (Article 23). Effective August 9, 2007;*

2) *Law No. 89 of 21st November 2008 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Communications. (Article 22). Effective date n/a;*

3) *Law No. 101 of 10th December 2008 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Taxation. (Article 44). Effective January 1, 2009;*

4) *Law No. 115 of 29th December 2008 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Special Social Services. (Article 27). Effective January 1, 2009;*

5) *Law No. 116 of 29th December 2008 of Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Activities of Independent Sectoral Regulators. (Article 12). Effective July 1, 2009;*

6) *Law No. 133 of 12th February 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Organisation and Functioning of Islamic Banks and Organisations of Islamic Finance (Article 32). Effective date n/a;*

7) *Law No. 135 of 13th February 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Functioning of the National Prosperity Foundation and Recognition as Invalid of the Law of the Republic of*

Kazakhstan “Concerning the Investment Foundation of Kazakhstan”. (Articles: 32, 48). Effective date n/a

8) Law No. 156 of 4th May 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Commodity Exchanges. (Articles: 11, 37-1 introduced). Effective date n/a;

9) Law No. 166 of 4th July 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Promotion of the Use of Renewable Energy Sources. (Article 12). Effective date n/a;

10) Law No. 167 of 4th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Currency regulation and Currency Control. (Articles: 10, 11, 37 repealed, 42, 45). Effective date n/a;

11) Law No. 183-IV of 11th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Share Participation in Housing Construction. (Articles: 9, 42). Effective date n/a;

12) Law No. 185 of 11th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Legislation of the Republic of Kazakhstan Concerning Payments and Remittances of Money, Accounting and Financial Reporting of Financial Organisations, Banking Activity and Activity of the National Bank of the Republic of Kazakhstan. (Articles: 32, 47). Effective Date n/a;

13) Law No. 186-IV of 16th July 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Health Protection. (Articles 26 replaced, 33). Effective date n/a;

14) Law No. 188 of 17th July 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Private Business. (Article 33). Effective date n/a;

15) Law No. 189 of 17th July 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Phyto-sanitary Safety. (Article 14 replaced);

16) Law No. 200 of 16th November 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Taxation. (Article 44). Effective January 1, 2010;

17) Law No. 234 of 30th December 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Obligatory and Mutual Insurance, Taxation. (Article 32). Effective date n/a;

18) Law No. 241-IV of 20th January 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Forensic Expert Activities. (Articles: 11, 26, 48, 49). Effective date n/a;

19) Law No. 262 of 2nd April 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Enforcement Procedures. (Articles: 27, 46). Effective date n/a;

20) *Law No. 297-IV of 30th June 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Customs Regulation and Taxation. (Articles 11, 35 repealed and 38). Effective date July 1, 2010;*

21) *Law No. 337-IV of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Development of «Electronic Government». (Articles: 3, 4, 6, 7 replaced, 8, 42). Effective date n/a, except for Amendments to clauses 9, 10 of subparagraph 5) of Article 8) which are effective January 1, 2012;*

22) *Law No. 338 of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Insurance. (Article 32). Effective date n/a, except for Amendments to subparagraph 8) of Article 32 which are effective January 1, 2012;*

23) *Law No. 369 of 28th December 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Transport. (Article 16). Effective January 1, 2011;*

24) *Law No. 372 of 29th December 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of Activity of the Bodies of Internal Affairs in the Sphere of Providing for Public Security. (Article 27). Effective date n/a;*

25) *Law No. 378 of 6th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of State Control and Supervision. (Articles 6, 8 and 42). Effective date n/a;*

26) *Law No. 395 of 19th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues Education. (Article 4). Effective date n/a;*

27) *Law No. 400 of 26th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Trade Activity. (Articles: 9 replaced, 38 replaced, 39 repealed, 40 repealed, 41). Effective date n/a;*

28) *Law No. 452 of 5th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Revision of the Competence of Authorised State Bodies and of the Government of the Republic of Kazakhstan to Pass Regulatory Legal Acts Establishing Requirements to Audited Entities. (Articles: 6, 8). Effective date n/a;*

29) *Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System. (Articles: 3, 4, 6, 7 replaced, 8, 9, 9-1 introduced, 11, 12 replaced, 13 replaced, 14 replaced, 15 repealed, 16, 18 replaced, 19 replaced, 20, 22, 23 replaced, 25 replaced, 26, 27 replaced, 29, 33 replaced, 34, 36, 42 replaced, 43 replaced, 45, 47 replaced, 49-1 introduced, 50). Shall enter into the force upon the expiration of six months after its first official publication;*

30) *Law No. 484 of 11th October 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Religious Activities and Religious Associations. (Article: 27). Effective date n/a;*

23) *Law No. 524 of 28th December 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Banking Activity and Financial Organisations with Respect to Risk Minimisation. (Articles:4, 32). Effective date n/a; and*

24) *Law No. 538-IV of 12th January 2012 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues Stock Market Development in the Republic of Kazakhstan. (Article 8). Amendments to ninth clause of subparagraph 5) of Article 8 are effective from January 1, 2012 until January 1, 2013, amendments to tenth clause subparagraph 5) of Article 8 are effective January 1, 2012, amendments to eleventh and twelfth clauses subparagraph 5) of Article 8 are effective January 1, 2013.*

CHAPTER 1. GENERAL PROVISIONS

Article 1. Relations Governed by This Law

1. This Law governs relations connected with licensing of certain types of activity.

2. This Law does not govern relations connected with issue of licences within the framework of a licence agreement concluded between physical persons and (or) legal entities.

Article 2. Legislation of the Republic of Kazakhstan Concerning Licensing

1. The legislation of the Republic of Kazakhstan concerning licensing is based on the Constitution of the Republic of Kazakhstan, and it consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international agreement ratified by the Republic of Kazakhstan establishes other rules than those which are stipulated by this Law, then rules of the international agreement shall be applied.

Article 3. General Definitions Used in This Law

Amended by 21) Law No. 337-IV of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Development of «Electronic Government»;

29) *Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.*

The following general definitions are used in this Law:

1) qualification requirements — a totality of quantitative and qualitative rates and indicators characterising the applicant's ability to be engaged in a certain licensed type of activity and (or) sub-type of the licensed type of activity;

2) common technological process — a totality of technology related and sequential actions (operations) performed in the process of production within the framework of the same licensed type of activity;

3) automatic licensing of import of certain goods — a measure established for the purposes of monitoring by issue of a licence;

3-1) competent (sectoral) body means a state body carrying out guidance in a relevant state management sector (sphere), to which the licensed type of activities is referred to;

4) licenser — a state body performing licensing in accordance with this Law;

4-1) electronic register of the licenser – an integral section of the state electronic register of licenses which contains the information inserted by the licenser on the issued, re-registered, suspended, resumed and cancelled licenses;

5) licensee — a physical person or legal entity which has a licence;

6) licence — a permit issued by the appropriate licenser to a physical person or legal entity to be engaged in a certain type of activity;

7) licensed type of activity (henceforth — type of activity) — a type of activity (certain action (operation, insurance classes) for engagement in which it is required to obtain a licence in accordance with this Law;

8) sub-type of the licensed type of activity (henceforth — sub-type of activity) — a concretisation of the appropriate type of activity within the framework of the same licence;

8-1) license register means the database containing information concerning issued, re-executed, suspended, renewed and invalidated licenses, as well as concerning the licensee's affiliates, representations (objects, posts, sites) that carry out the licensed type (sub-type) of activities;

~~9)[repealed by 21]~~

9-1) electronic register of the licenses – information system which contains the information on the issued, re-registered, suspended, resumed and cancelled licenses as well as licensee's affiliates, representations (objects, posts, sites) that carry out the licensed type (sub-type) of activities, which in a centralized way forms the identification number of licenses issued by the licensers;

9-2) identification numbers of licenses – an unique code generated in the state electronic register of licenses;

10) licensing — a complex of measures related to issue and re-formulation of licences, performance of control by licensers over the compliance of licensees with appropriate requirements, suspension and renewal of licences, deprivation of licences;

11) licence control — activities of the licenser directed to ensuring of the compliance of licensees with the legislation of the Republic of Kazakhstan concerning licensing;

12) applicant — a physical person or legal entity brought to the appropriate licenser an application for issue of a licence and (or) supplement to the licence;

13) authorised body — a state body which implements elaboration and pursuing of the state policy and coordinates activities of other state bodies in the field of licensing;

14) electronic license - a license in the form of an electronic document to be executed and issued with the use of information technologies equivalent to a license on paper.

Article 4. General Licensing Principles

Amended by 21) Law No. 337-IV of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Development of «Electronic Government»;

26) Law No. 395 of 19th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues Education;

29) *Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System; and*

23) *Law No. 524 of 28th December 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Banking Activity and Financial Organisations with Respect to Risk Minimisation.*

1. Issue of licences shall be performed on equal bases and equal conditions for all the persons which meet the requirements established for the stated type of activity.

2. Introduction of the licensing procedure for certain types of activity shall be established for the purposes of national security, ensuring of law and order, protection of the environment, property, life and health of citizens.

3. This Law establishes a comprehensive list of types of activity and sub-types of activity.

4. At introducing to this Law, new types of activities and (or) sub-types of activities, their licensing shall be carried out after the adoption of relevant regulatory legal acts that establish the qualification requirements applicable to certain types (sub-types) of activities.

The regulatory legal acts that approve the qualification requirements applicable to certain types (sub-types) of activities and the lists of certain goods, the export and import of which are liable to licensing, may not be put into effect until a twenty-one-day term expires after the official publication of those acts.

In cases of introducing to this Law, of new types of activities and (or) sub-types of activities for the entities that carry out those activities, on condition of filing in accordance with the procedure established by this Law, the documents for issuing licenses and (or) supplements to the licenses, it shall be allowed to carry out activities without the presence of a relevant license prior to its issue, but for no longer than forty five working days from the day when the qualification requirements applicable to those types (sub-types) of activities are put into effect.

5. Licensing of certain types of activity shall be established in cases, where requirements to products stipulated by laws of the Republic of Kazakhstan, requirements to obligatory certification of the conformity of certain types of products, processes are not sufficient to achieve the purposes of state administration.

6. The licence shall be non-alienable, and it may not be transferred by the licensee to another physical person or legal entity.

7. Licences shall be valid in the all territory of the Republic of Kazakhstan, except for cases stipulated by laws of the Republic of Kazakhstan.

8. The types of activities, which are included into a single technological process and (or) are the necessary elements of the implementation of the type of activities, shall not be liable to licensing.

The statement on the inclusion of the type of activities into a single technological process and (or) on its being ascribed to the necessary element of the implementation of that type of activities shall be provided by the competent (sectoral) body pursuant to the licensee's request on the basis of the applicant's petition.

9. The engagement in certain types of activity or the performance of certain acts (operations) that require licensing shall be allowed only providing for the presence of a licence, except for activity that is carried out by the state authorities, autonomous education organisations and their organisations, in particular foreign legal entities that introduce and (or) implement educational programs at the specified organisations, at

also by the Kazakhstan Development Bank within the powers established by the laws of the Republic of Kazakhstan.

It shall be allowed to carry out certain types of activity in the financial sphere and activities related to concentration of financial resources if the licence is available only, except for activities carried out by credit partnerships, central depository, unified registrar, credit bureau with state participation, mutual insurance partnerships, by operator of payment gate of the «electronic government», as well as by the National Post Operator within the authority established by laws of the Republic of Kazakhstan.

CHAPTER 2. THE STATE LICENSING SYSTEM

Article 5. The Structure of the State Licensing System

The state licensing system shall be composed by:

- 1) the Government of the Republic of Kazakhstan;
- 2) the authorised body;
- 3) licensers.

Article 6. Competence of the Government of the Republic of Kazakhstan

Amended by 21) Law No. 337-IV of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Development of «Electronic Government»;

25) Law No. 378 of 6th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of State Control and Supervision;

28) Law No. 452 of 5th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Revision of the Competence of Authorised State Bodies and of the Government of the Republic of Kazakhstan to Pass Regulatory Legal Acts Establishing Requirements to Audited Entities; and

29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The competence of the Government of the Republic of Kazakhstan shall comprise:

- 1) elaboration of guidelines of the state policy in the field of licensing, strategic and tactical measures for implementation of it;
- 2) determination of a list of licensers;
- 3) approval of qualification requirements, except for qualification requirements to be approved by the authorised state body for regulation and supervision of the financial market and financial organisations and by the National Bank of the Republic of Kazakhstan in accordance with laws of the Republic of Kazakhstan, as well as qualification requirements to types of activity in the sphere of gambling business;

~~4) [repealed by 29]~~

- 5) approval of the form of the application for obtaining of a licence and (or) supplement to the licence, except for the form of the application to be approved by the authorised state body for regulation and supervision of the financial market and financial organisations and by the National Bank of the Republic of Kazakhstan in accordance with laws of the Republic of Kazakhstan;

6) approval of a list of poisons, which manufacture, processing, transportation, purchase, storage, selling, use and neutralisation is to be licensed;

7) *[repealed by 29]*

8) approval of the list of state bodies which agree upon the issue of licenses with regard to the applicant's compliance with the requirements of the legislation of the Republic of Kazakhstan;

9) approval of the rules for maintenance of state electronic register of licenses;

10) performance of other functions imposed upon it by the Constitution, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 7. Competence of the Authorised Body

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The competence of the authorised body shall comprise:

- 1) formation of the state policy in the sphere of licensing;
- 2) management of the development process, establishment of access rights, assurance of functioning of the state electronic register of licenses;
- 3) elaboration of the rules for keeping the state electronic register of licenses;
- 4) elaboration of the forms of licenses and supplements thereto, except for the forms of licenses for the performance of activities in a financial sphere and the activities associated with the concentration of financial resources;
- 5) exercise of other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 8. Competence of State Bodies

Amended by 21) Law No. 337-IV of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Development of «Electronic Government»;

25) Law No. 378 of 6th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of State Control and Supervision;

28) Law No. 452 of 5th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Revision of the Competence of Authorised State Bodies and of the Government of the Republic of Kazakhstan to Pass Regulatory Legal Acts Establishing Requirements to Audited Entities; and

24) Law No. 538-IV of 12th January 2012 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues Stock Market Development in the Republic of Kazakhstan.

The licensor's competence shall comprise:

- 1) elaboration and agreement with the authorised body, of the draft qualification requirements applicable to certain types (sub-types) of activities.

If the licensor is the local executive body, elaboration of draft qualification requirements applicable to certain types (sub-types) of activities, shall be performed by central state bodies within their competence;

2) ascertainment of the applicant's compliance with the qualification requirements;

3) licensing;

4) performance of licensing control;

5) maintenance and monthly placement of, the register of licenses in its Internet-resource, except for licenses for purchase of civil and service arms and ammunitions thereto, civil pyrotechnical substances and items with their application.

The following information shall be stated in the electronic register of the licensor and the state electronic register of licenses:

name of the licensor;

date of issue and number of the licence and (or) supplement to the licence;

surname, name, patronymic (if any) , as well as number and date of issue of the certificate in case of state registration of the physical person as an individual businessman — for the individual businessman;

name, place of location, the number and the date of issue of certificate of state registration (re-registration) for a legal entity — for the legal entity;

type of activity and (or) sub-types of activity;

term of the licence;

taxpayer registration number; *[introduced by 32 to be effective from January 1, 2012 untill January 1, 2013]*

individual identification number; *[introduced by 32 to be effective January 1, 2013]*

business-identification number; *[introduced by 32 to be effective January 1, 2013]*

payment order number and date of payment of the licence fee;

bases and date of re-formulation of the licence and (or) supplement to the licence;

bases and date of suspension, renewal of the licence;

data on the licensee's affiliates, representations, objects, posts, sites carrying out the licensed type (sub-type) of activities (if any);

base and date of termination of the licence;

6) submission of an inquire to state bodies for agreement of the issue of licenses, with regard to the applicant's compliance with the requirements of the legislation of the Republic of Kazakhstan;

7) rendering of electronic services with the application of information systems in accordance with the legislation of the Republic of Kazakhstan concerning informatisation;

8) placement of information on the issued, re-executed, suspended, resumed and cancelled licenses on the own internet-resource;

9) performance in the interests of local state administration of other powers, which are imposed upon the local executive authorities by the legislation of the Republic of Kazakhstan.

In cases of establishing an affiliate (representation, object, post, site) in cases of changing the location, the licensee shall be obliged to send to the licensor's address – within ten working days – a letter with the enclosure of the copy documents that confirm its compliance with qualification requirements, in cases where the licensor is a local executive body – at the place of location of the affiliate (representation, object, post, site). The licensor shall – within ten working days from the day of delivery of the

licensee's letter (notice) – ascertain the applicant's compliance with the qualification requirements applicable to a relevant type (sub-type) of activities. In the case of compliance with the qualification requirements, the licensor shall enter relevant data to the register of licenses.

In the financial sphere and activities associated with the concentration of financial resources the licensor shall enter the data concerning the establishment of an affiliate (representation, post), changes of the location within ten working days from the day of receipt from the licensee, of the documents established by the legislation of the Republic of Kazakhstan.

Article 9. The Types and Validity of Licences

Introduced by 27) Law No. 400 of 26th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Trade Activity.

Amended by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Licences shall be distinguished by the following features:

1. According to subjects they shall be distinguished as follows:
 - 1) licences issued to natural persons and legal entities of the Republic of Kazakhstan;
 - 2) licences issued to foreigners, stateless persons, foreign legal entities and international organisations.
2. According to the scope of activity they shall be distinguished as follows:
 - 1) general licences — for engagement in certain types of activity that are issued without restriction of the term of validity;
 - 2) one-time licences — for engagement in a certain type of activities within an allowed period, volume, weight or quantity (in kind or in money), and also for engagement in types of activity in the sphere of gambling business within the term established by the Law of the Republic of Kazakhstan 'Concerning the Gambling business', and for engagement in activity relating to organisation of construction of dwelling buildings at the expense of attraction of money from shareholders within the volume established by the Law of the Republic of Kazakhstan 'Concerning Share Participation in Housing Construction';
 - 3) operating licences — for engagement in certain transactions in banking activity, classes in insurance activity (insurance classes).
3. In the sphere of export and import of goods licences shall be as follows:
 - 1) general licence — a licence that is issued to a participant in foreign trade activity based on a decision of the participant-state of the Customs Union and that grants the right to export and (or) import certain types of goods in quantity determined by the licence;
 - 2) exclusive licence — a licence that grants to a participant in foreign trade activity an exclusive right to export and (or) import a certain type of goods;
 - 3) one-time licence — a licence that is issued to a participant in foreign trade activity based on a foreign trade agreement (contract) and that grants the right to export and (or) import licensed goods in certain quantity.

Article 9-1. Special License Effect Conditions

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The special conditions of effect of licenses shall be entered into the licenses to indicate:

the licensee's categories in cases of licensing of activities in the sphere of architecture, town-planning and construction in accordance with the Law of the Republic of Kazakhstan "Concerning Architectural, Town-planning and Construction Activities in the Republic of Kazakhstan";

sectors wherein the licensed type of activities is carried out, in the case of licensing of activities in the sphere of industry.

Article 10. The Form of a Licence and Supplement to the Licence

Amended by 10) Law No. 167 of 4th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Currency Regulation and Currency Control.

The form of the licence and supplement to it shall be established by the Government of the Republic of Kazakhstan.

The supplement to the licence, in which sub-types of activity are indicated, shall be recognised as an integral part of the licence.

The forms of licences for carrying out of activities related to concentration of financial resources which are provided for by Article 32 of this Law shall be established by the authorised state body for regulation and supervision of the financial market and financial organisations and (or) by the National Bank of the Republic of Kazakhstan.

Article 11. Licensing Spheres

Amended by: 8) Law No. 156 of 4th May 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Commodity Exchanges;

10) Law No. 167 of 4th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Currency Regulation and Currency Control;

18) Law No. 241-IV of 20th January 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Forensic Expert Activities;

20) Law No. 297-IV of 30th June 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Customs Regulation and Taxation; and

29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Licensing shall cover certain types of activity in the spheres as follows:

- 1) industry;
- 2) use of atomic power;
- 3) turnover of toxic matters;
- ~~4) [repealed by 29]~~
- 5) transport;

- 6) turnover of narcotic preparations, psychotropic matters, precursors;
- 7) ensuring of information safety;
- 8) special technical facilities for performance of operative-search measures;
- 9) turnover of weapon, military equipment and certain types of arms, explosives and articles with the application of them;
- 10) use of cosmic space;
- 11) informatisation and communication;
- 12) education;
- 13) mass media;
- 14) agriculture and forestry, geodesy and cartography;
- 15) healthcare;
- 16) services to physical persons and legal entities;
- 17) gambling business;
- 18) veterinary;
- 19) forensic expert activities subject to the provisions of the Law of the Republic of Kazakhstan “Concerning Forensic Expert Activities in the Republic of Kazakhstan”;
- 20) culture;
- 21) financial sphere and activities related to concentration of financial resources;
- 22) architecture, town building and construction;
- 23) manufacture of the state symbols of the Republic of Kazakhstan;
- ~~24)~~ [repealed by 20]
- 25) manufacture and turnover of ethyl alcohol and alcohol products, manufacture of tobacco articles;
- ~~26)~~ [repealed by 10]
- 27) export and import of goods;
- 28) commodity exchanges.

CHAPTER 3. TYPES OF ACTIVITY

Article 12. Licensing of Activities in the Sphere of Industry

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of a license shall be required to be engaged in the following types of activities:

1) transmission and (or) distribution of electric and (or) thermal) energy. This type of activities shall comprise the following sub-types of activities: transmission and (or) distribution of electric energy to consumers; transmission and (or) distribution of thermal energy for heat supply to inhabited areas, production premises and objects;

2) projection (technological) and (or) exploitation of mining (exploration, production of useful minerals), petrochemical, chemical production lines; projection (technological) of oil-and-gas processing production lines; exploitation of main gas pipelines, oil pipelines, oil product pipelines.

This type of activities shall comprise the following sub-type of activities:

projection (technological) and (or) exploitation of mining production lines;

projection of production of solid useful minerals (except for commonly occurring useful minerals), oil, gas, oil-and-gas condensate;

- drawing up of projects and technological regulations for the development of solid useful minerals fields, oil and gas fields;
- production of solid useful minerals (except for commonly occurring useful minerals), oil, gas, oil-and-gas condensate;
- uncover and development of solid useful minerals fields through open and underground methods;
- performance of technological operations at oil-and-gas fields;
- performance of blasting operations for production of useful minerals;
- liquidation operations associated with the closing of underground mines and mines;
- logging operations in oil and gas wells;
- shooting and blasting operations in oil and gas wells;
- drilling of oil and gas wells, in particular in the sea and inland water bodies;
- underground and overall repair of wells;
- disassembling of equipment and aggregates;
- installation of well lifts;
- testing of wells after the repair;
- washing, cementing, testing and developing of wells;
- enhancement of oil recovery of oil strata and increase of the efficiency of wells;
- operations associated with the prevention and liquidation of oil spillage in the land and sea, of self-pouring wells; of oil and gas discharge (except for anti-flowing operations), conservation of wells;
- projection (technological) and (or) exploitation of petrochemical, chemical production lines;
- drawing up of feasibility studies for oil and gas development field projects;
- exploitation of main gas pipelines, oil pipelines, oil product pipelines;
- 3) processing of mineral raw materials (except for the processing of commonly occurring useful minerals).

This type of activities shall comprise the following sub-types of activities:

- physical method of conversion of useful minerals;
- physical-chemical method of conversion of useful minerals;
- chemical method of conversion of useful minerals;
- metallurgical (pyrometallurgy, sintering, hydrometallurgy, baking) method of conversion of useful minerals;
- processing of mining, concentration, metallurgical and other industrial production line waste containing useful minerals;
- 4) projection, manufacture, assemblage, and repair of chemical, drilling, oil-and-gas field, geological exploration, mining-pit, metallurgical, and energy equipment; explosion-proof electrical technical equipment; hoisting devices, as well as boilers with the working pressure 0.7 kg/cm² and the heat-carrier temperature over 115°C; vessels and pipelines operated under the pressure over 0.7 kg/cm² (except for the projection, manufacture, assemblage, and repair of equipment used in a single technological process);
- 5) purchase of electric energy for the purposes of energy supply;
- 6) legal entities' collection (procurement), storage, treatment and sale of non-ferrous and iron-and-steel scrap and waste.

Article 13. Licensing of Activities in the Sphere of Use of Atomic Energy

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of a license shall be required to be engaged in the following types of activities:

1) performance of operations associated with the vital cycle stages of objects of using atomic energy.

This type of activities shall comprise the following sub-types of activities:

erection of nuclear plants, storage facilities for radioactive waste;

operation of nuclear plants, storage facilities for radioactive waste;

deactivating of nuclear plants, storage facilities for radioactive waste;

management of operations and projects in the course of placement, erection, and deactivation of nuclear plants;

2) handling of nuclear materials.

This type of activities shall comprise the following sub-types of activities:

sale of nuclear materials;

use of nuclear materials;

storage of nuclear materials;

3) handling of radioactive substances, devices, and plants containing radioactive substances.

This type of activities shall comprise the following sub-types of activities:

manufacture of radioactive substances, devices, and plants containing radioactive substances;

use of radioactive substances, devices, and plants containing radioactive substances;

storage of radioactive substances, devices, and plants containing radioactive substances;

sale of radioactive substances, devices, and plants containing radioactive substances;

extraction and processing of natural uranium;

4) handling of devices and plants generating ionising radiation.

This type of activities shall comprise the following sub-types of activities:

manufacture of devices and plants generating ionising radiation;

use of devices and plants generating ionising radiation;

5) provision of services in the sphere of use of atomic energy.

This type of activities shall comprise the following sub-types of activities:

technical maintenance, assemblage, disassemblage, charging, re-charging, repair of devices and plants, including medical ones, containing radio-isotope sources of ionising radiation or those generating ionising radiation;

operation quality control of ionising radiation sources, as well as of devices, equipment and plants containing those sources or those generating ionising radiation;

radiation control of territories, premises, working stations, goods, materials, metal scrap, and transport vehicles;

determination of radionuclide content in products, materials, environment objects; measurement of concentration of radon and other radioactive gases;

individual dosimetric control of personnel;

6) handling of radioactive waste.

This type of activities shall comprise the following sub-types of activities:

collection and assortment of radioactive waste;

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

processing of radioactive waste;

storage and burial of radioactive waste;

radiation rehabilitation, reclamation of territories and objects;

7) transportation, including transit transportation, of nuclear materials, radioactive substances, radio isotope sources of ionising radiation, radioactive waste within the territory of the Republic of Kazakhstan;

8) activities in the territories of former nuclear testing grounds and other territories polluted as a result of nuclear tests performed;

9) physical protection of nuclear plants and nuclear materials.

This type of activities shall comprise the following sub-types of activities:

projection, erection, repair, and technical maintenance of physical protection systems;

assurance of physical protection in transportation of nuclear materials and radioactive substances;

10) special training of personnel in charge of the assurance of nuclear and radiation safety.

Article 14. Licensing of Activities in the Sphere of Circulation of Toxic Substances

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Availability of licenses shall be required to be engaged in the following types of activities:

1) manufacture, treatment, purchase, storage, sale, use and destruction of toxins.

This type of activities shall comprise the following sub-types of activities:

manufacture, treatment, storage, sale, destruction of toxins;

purchase, storage, sale and use of toxins;

purchase, storage, sale of toxins.

The activities of accredited laboratories using toxic substances in quantities necessary for the performance of tests, research and disinfection in accordance with regulatory documents shall be carried out without licensing, with the submission of information to the licensor in the sphere of circulation of toxins concerning annual demand for toxins and an annual report on their use, in accordance with the procedure defined by the Government of the Republic of Kazakhstan;

2) manufacture (formulation) of pesticides (toxic chemicals), sale of pesticides (toxic chemicals), use of pesticides (toxic chemicals) through aerosol and fumigation methods.

This type of activities shall comprise the following sub-types of activities:

manufacture (formulation) of pesticides (toxic chemicals);

sale of pesticides (toxic chemicals);

use of pesticides (toxic chemicals) through aerosol and fumigation methods.

~~Article 15. Licensing of Activities in the Sphere of Technical Safety~~

Repealed by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Article 16. Licensing of Activities in the Sphere of Transport

Amended by 23) Law No. 369 of 28th December 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Transport;

29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

It shall be required to have a licence to be engaged in the following types of activity:

1) carriage of passengers.

This type of activity shall comprise the following sub-types of activity:

carriage of passengers by bus, microbus, in the intercity, interregional, interdistrict (intercity internal regional) and international communications;

carriage of passengers by railway transport;

2) carriage of dangerous freights.

This type of activity shall comprise the following sub-types of activity:

carriage of dangerous freights by marine transport;

carriage of dangerous freights by river transport;

carriage of dangerous freights by motor transport.

Article 17. Licensing of Activities in the Sphere of Turnover of Narcotic Preparations, Psychotropic Matters, Precursors

It shall be required to have a licence to be engaged in activities related to turnover of narcotic preparations, psychotropic matters and precursors.

This type of activity shall comprise the following sub-types of activity:

development, manufacture, processing, carriage, mailing, purchase, storage, distribution, selling, use, neutralisation of narcotic preparations, psychotropic matters and precursors;

culturing, gathering, laying in of plants and herbs containing narcotic agents and psychotropic matters;

manufacture, carriage, purchase, storage, distribution, selling, use, neutralisation of narcotic preparations, psychotropic matters and precursors in the healthcare system.

Article 18. Licensing of Activities in the Sphere of Information Safety

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of a license shall be required to be engaged in the following types of activities:

1) technical protection of state secrets.

This type of activities shall comprise the following sub-types of activities:

elaboration, production, repair and service maintenance of state secret technical protection facilities;

erection, installation, maintenance of state secret technical protection facilities;

2) elaboration and sale (in particular other transfer) of cryptographic information protection facilities.

This type of activities shall comprise the following sub-types of activities:

elaboration of cryptographic information protection facilities;

sale (including other transfer) of cryptographic information protection facilities;

3) provision of services associated with the detection of technical channels of information leakage and special technical facilities designed to carry out operative investigative measures.

Article 19. Licensing of Activities in the Sphere of Special Technical Facilities Designed to Carry out Operative Investigative Measures

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of licenses shall be required to be engaged in activities associated with the elaboration, manufacture, repair and sale of special technical facilities designed to carry out operative investigative measures.

This type of activities shall comprise the following sub-types of activities:

elaboration and manufacture of special technical facilities designed to carry out operative investigative measures;

repair and sale of special technical facilities designed to carry out operative investigative measures.

Article 20. Licensing of Activities in the Sphere of Turnover of Weapon, Military Equipment and Certain Kinds of Arms, Explosives and Articles with the Application of Them

Amended by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

It shall be required to have a licence to be engaged in the following types of activity:

1) development, production, repair, purchase and selling of ammunition, weapon and military equipment, spare parts, components and devices to them, as well as special materials and equipment for their production, including assemblage, setting-up, modernisation, installation, use, storage, repair and servicing.

This type of activity shall comprise the following sub-types of activity:

development, production of ammunition, weapon and military equipment, spare parts, components and devices to them, special materials, equipment for their production, including assemblage, setting-up, modernisation, installation, use, storage, repair and servicing;

repair of ammunition, weapon and military equipment, spare parts, components and devices to them, special materials, equipment for their production, including assemblage, setting-up, modernisation, installation, use, storage, repair and servicing;

purchase and selling of ammunition, weapon and military equipment, spare parts, components and devices to them, special materials, equipment for their production, including assemblage, setting-up, modernisation, installation, use, storage, repair and servicing;

2) development, production, purchase and selling of explosive and pyrotechnic matters and articles with the application of them.

This type of activity shall comprise the following sub-types of activity:

development of explosive and pyrotechnic matters and articles with the application of them;

production of explosive and pyrotechnic matters and articles with the application of them;

purchase and selling of explosive and pyrotechnic matters and articles with the application of them;

purchase of explosive and pyrotechnical substances and items with their use for own production needs;

3) liquidation (destruction, utilisation, burial) and processing of released ammunition, weapon, military equipment, special means.

This type of activity shall comprise the following sub-types of activity:

liquidation (destruction, utilisation, burial) and processing of released ammunition;

liquidation (destruction, utilisation, burial) and processing of released weapon, military equipment, special means;

4) development, production, repair, trade, purchase of fighting hand small arms and cartridges to it.

This type of activity shall comprise the following sub-types of activity:

development of fighting hand small arms and cartridges to it;

production of fighting hand small arms and cartridges to it;

repair of fighting hand small arms and cartridges to it;

purchase of fighting hand small arms and cartridges to it and trade in them;

5) design, manufacture, repair, trade, collection, exposure of civil and service arms and ammunition thereto.

This type of activities shall comprise the following sub-types of activities:

design of civil and service arms and ammunition thereto;

manufacture of civil and service arms and ammunition thereto;

repair of civil and service arms and ammunition thereto;

trade in civil and service arms and ammunition thereto;

collection of civil and service arms and ammunition thereto;

exposure of civil and service arms and ammunition thereto;

5-1) purchase of civil and service arms and ammunition thereto;

6) design, manufacture, trade, use of civil pyrotechnical substances and items with their application.

This type of activities shall comprise the following sub-types of activities:

design of civil pyrotechnical substances and items with their application;

manufacture of civil pyrotechnical substances and items with their application;

[introduced by 29]

trade in civil pyrotechnical substances and items with their application;

use of civil pyrotechnical substances and items with their application;

7) purchase of civil pyrotechnical substances and items with their application.

Article 21. Licensing of Activities in the Sphere of Use of Cosmic Space

It shall be required to have a licence to be engaged in all the types of activity related to the use of cosmic space, including creation, production, operation, repair and modernisation of space rocket equipment, use of the ground infrastructure for support to the functioning of it (testing ground, command-metering complex, bench base, etc.).

Article 22. Licensing of Activities in the Sphere of Informatisation and Communication

Amended by 2) Law No. 89 of 21st November 2008 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Communications;

29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

1. It shall be required to have a licence to be engaged in the following types of activity:

~~1) [repealed by 29]~~

2) rendering of services in the field of communication.

This type of activity shall comprise the following sub-types of activity:

local telephone communication;

intercity telephone communication;

international telephone communication;

services of access to the Internet network;

satellite mobile communication;

cellular communication (with indication of the standard name);

mobile telecommunications (including services of mobile radio (radio telephone) communication, trunking and paging communication);

Terms of and the procedure for issue of licences for engagement in activities in the field of communication, in particular on the tender basis, shall be determined by legislation of the Republic of Kazakhstan.

2. It shall not be required to obtain a licence for carrying out of activities:

1) by physical persons and legal entities which have no own or leased network or switching equipment and which propose to users services of other communication operators, which act on the basis of appropriate licences.

Relations between such persons and the communication operator shall be regulated by concluded agreements, which structure must be coordinated with the licensor. Intermediary shall be obliged to render services under the trade mark of the communication operator with which the agreement is concluded. In this case responsibility for quality of services rendered to consumers and compliance with terms of validity of the licence shall be born by the communication operator;

2) for organisation and operation of networks designated for control of inside production activities and technological processes, in particular with the use of the radio frequency range without rendering communication services to third persons, as well as without the use of communication services rendered in the territory of the Republic of Kazakhstan by non-resident communication operators of the Republic of Kazakhstan;

3) for organisation and operation of mobile telecommunication networks (in particular mobile radio (radio telephone), trunking and paging communication) which have no connection to a common use telecommunications network and which are designated for implementation of the principal type of activity not related to provision of services of communication.

To use bands of frequencies, radio frequencies (radio frequency channels) in the cases stipulated by subparagraphs 2), 3) of this paragraph the authorised body in the field of communication shall issue a permit for use of the radio frequency range in accordance with the legislation of the Republic of Kazakhstan in the field of communication.

Article 23. Licensing of Activities in the Sphere of Education

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of licenses shall be required to be engaged in educational activities.

This type of activities shall comprise the following sub-types of activities:

comprehensive curricula of primary, basic secondary, comprehensive secondary education;

occupational curricula of technical and occupational education, including those in accordance with professions and specialities;

occupational curricula of post-secondary, higher, post-graduate education, including those in accordance with specialities;

religious educational curricula.

Article 24. Licensing of Activities in the Sphere of Mass Media

It shall be required to have a licence to be engaged in activities of organisation of television and (or) radio broadcasting.

Article 25. Licensing of Activities in the Sphere of Agriculture and Forestry; Geodesy and Cartography

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of licenses shall be required to be engaged in the following types of activities:

1) utilisation of wood in the sites of the state forestry stock, to be carried out by forest users;

2) provision of services associated with warehousing activities including the issue of crops receipts;

3) provision of services associated with warehousing activities including the issue of cotton receipts;

4) performance of geodesic and cartographic operations.

This type of activities shall comprise the following sub-types of activities:

performance of geodesic operations;

performance of cartographic operations.

Article 26. Licensing of the Activity in the Area of Public Health Service

Introduced by 13) Law No. 186-IV of 16th July 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Health Protection;

Amended by 18) Law No. 241-IV of 20th January 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Forensic Expert Activities;

29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

The availability of a license shall be required for the engagement in the following types of activity:

1) medical activity;

This type of activity includes the following subtypes of activity:

primary medical care: predoctor care, qualified care, emergency call service;

diagnostics: radiological, X-ray, ultrasonic, functional, endoscopic, pathologic anatomy;

laboratory diagnostics: bacterial examination, biochemical, immunological study, laboratory diagnostics of immunodeficiency virus (HIV diagnostics), general clinical, serologic, cytologic study;

provision, conservation, processing, storage, and realization of blood and its components;

sanitary and antiepidemic medical activity: hygienic education of the population, manufacturing, processing, and realization of the means and preparations of disinfection, disinsection, deratization, and also types of work and services related to their use;

sanitary and laboratory studies: bacterial examination, virologic tests, measurement of physical factors (noise, vibration, electromagnetic fields, and others), parasitologic, radiometrical measurements, sanitary and chemical, toxicological examination;

advisory and diagnostic and/or stationary medical aid to the adults and/or children – according to specialties:

maieutics and gynecology;

pediatry;

contagious diseases;

therapy: general, neuropathology, cardiology, rheumatology, gastroenterology, nephrology, pulmonology, endocrinology, allergology (immunology), hematology, occupational pathology, family doctor;

surgery: general, transplantology, cardiosurgery, angiosurgery; plastic surgery, oral surgery, neurosurgery, otorhinolaryngology, ophthalmology, transfusiology, urology, traumatology, and orthopedics;

dermatovenereology (dermatocosmetology);

psychiatry: narcology, psychotherapy, sexpertology; medicopsychology;

phthisiology;

oncology;

stomatology;

traditional medicine: homeopathy, hirudotherapy, manual therapy, reflexotherapy, phytotherapy and treatment with means of natural origin;

forensic-medical, forensic-psychiatric, and forensic-narcological examination;

medical rehabilitation: physiotherapy, massage, exercise therapy;

sports medicine;

temporary disability examination and examination of professional aptitude;

anaesthesiology and critical care medicine;

2) pharmaceutical activity.

This type of activity shall include the following subtypes of activity:

manufacturing of pharmaceuticals;

manufacturing of items of medical designation;

manufacturing of medical equipment;
manufacturing of medicinal preparations;
manufacturing of items of medical designation;
wholesale realization of pharmaceuticals;
wholesale realization of items of medical designation;
wholesale realization of medical equipment;
retail realization of pharmaceuticals;
retail realization of items of medical designation;
retail realization of medical equipment.

Article 27. Licensing of Activities in the Sphere of Service to Physical Persons and Legal Entities

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Availability of licenses shall be required to be engaged in the following types of activities:

- 1) advocate activities;
- 2) notary activities;
- 3) evaluation of property (except for intellectual property items; value of intangible assets);
- 4) evaluation of intellectual property; value of intangible assets;
- 5) auditor activities;
- 6) performance of work and provision of services in the sphere of environmental protection.

This type of activities shall comprise the following sub-types of activities:
environmental projection, rating for I category business and other activities;
work in the sphere of environmental expert evaluation for I category business and other activities;

- ecological audit for I category business and other activities;
- 7) organisation and performance of lotteries;
 - 8) exercise of guard activities by legal entities;
 - 9) tourist operator activities;
 - 10) activities of private court executors.

Article 28. Licensing of Activities in the Sphere of Gambling Business

It shall be required to have a licence to be engaged in the following types of activity:

- 1) casino activities;
- 2) activities of a game machine room;
- 3) activities of a bookmaker office;
- 4) activities of a sweepstake.

Article 29. Licensing of Activities in the Sphere of Veterinary

Amended by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

It shall be required to have a licence to be engaged in activities in the field of veterinary.

This type of activity shall comprise the following sub-types of activity:
production of preparations of veterinary destination;

veterinary-sanitary expert examination of products and raw products of animal origin;

Article 30. Licensing of Activities in the Forensic Expert Sphere

It shall be required to have a licence to be engaged in forensic expert activities.

Article 31. Licensing of Activities in the Sphere of Culture

It shall be required to have a licence for performance of archaeological and (or) scientific-restoration work in history and culture monuments.

Article 32. Licensing of Activities in the Financial Sphere and Activities Related to Concentration of Financial Resources

Amended by 6) Law No. 133 of 12th February 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Organisation and Functioning of Islamic Banks and Organisations of Islamic Finance;

7) Law No. 135 of 13th February 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Functioning of the National Prosperity Foundation and Recognition as Invalid of the Law of the Republic of Kazakhstan “Concerning the Investment Foundation of Kazakhstan”;

12) Law No. 185 of 11th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Legislation of the Republic of Kazakhstan Concerning Payments and Remittances of Money, Accounting and Financial Reporting of Financial Organisations, Banking Activity and Activity of the National Bank of the Republic of Kazakhstan;

17) Law No. 234 of 30th December 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Obligatory and Mutual Insurance, Taxation;

22) Law No. 338 of 15th July 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Insurance; and

23) Law No. 524 of 28th December 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Banking Activity and Financial Organisations with Respect to Risk Minimisation.

It shall be required to have a licence to be engaged in the following types of activity:

1) banking transactions:

reception of deposits, opening and maintenance of bank accounts of legal entities;

reception of deposits, opening and maintenance of bank accounts of physical persons;

opening and maintenance of correspondent accounts of banks and organisations carrying out certain types of banking transactions;

opening and maintenance by banks of metal accounts of physical persons and legal entities, on which there is indicated the physical quantity of refined precious metals and coins made of precious metals owned by the said person;

cash operations: receipt and giving by banks and the National Post Operator of ready cash, in particular its change, exchange, re-counting, sorting, packing and storage;

remittance transactions: fulfillment of orders of natural persons and legal entities on payments and remittances of money. Licences to carry out remittance transactions shall be issued only to banks and legal entities specified in paragraph 6-1 of Article 30 of the Law of the Republic of Kazakhstan ‘Concerning Banks and Banking Activity in the Republic of Kazakhstan’;

discount operations: discount (discount) of promissory notes and other debentures of physical persons and legal entities;

bank loan transactions: giving by a bank, mortgage organisation, , or subsidiary organisations of the national managing holding company in the sphere of the agro-industrial sector of credits in the monetary form on terms of payment, term and return;

organisation of exchange operations in foreign currencies;

collection of banknotes, coins and values;

reception of payment documents (except for promissory notes) for collection;

opening (issue) and confirmation of a letter of credit and fulfilment of obligations under it;

issue by banks of bank guarantees which stipulate fulfilment in the monetary form;

issue by banks of bank warranties and other commitments for third persons which stipulate fulfilment in the monetary form;

2) other transactions performed by banks:

purchase, acceptance as pledge, recording, storage and selling of refined precious metals (gold, silver, platinum, platinum group metals) in ingots, coins made of precious metals;

purchase, acceptance as pledge, recording, storage and selling of jewellery containing precious metals and precious stones;

transactions in promissory notes: acceptance of bills for collection, rendering of services for redemption of a promissory note by the payer, as well as redemption of domiciled promissory notes, acceptance of promissory note as mediation;

carrying out of leasing activities;

issue of own securities (except for shares);

factoring transactions: purchase of rights of claim of a payment from the buyer of goods (work, services) with acceptance of the default risk;

forfeiting transactions (forfeiting): payment for a debenture of the buyer of goods (work, services) by the purchase of the promissory note without recourse to the seller;

trust operations: management of money, rights of claim under mortgage loans and refined precious metals in the interests and under the commission of the principal;

safe operations: services for storage of securities issued in the documentary form, documents and values of clients, including letting on rent of safe cases, cabinets and rooms;

2-1) banking transactions which are carried out by Islamic banks:
 acceptance of on-call interest-free deposits of natural persons and legal entities,
 opening and maintenance of bank accounts of natural persons and legal entities;
 acceptance of investment deposits of natural persons and legal entities;
 banking lending transactions: granting loans in a monetary form by an Islamic bank on the terms of timeliness, repayment and without collecting interest;
 financing entrepreneurial activities in the form of the following:
 financing trade activities as a trade intermediary by granting a commercial loan;
 financing industrial and commercial activity by way of participation in the authorised capitals of legal entities and (or) on the terms of partnership;
 investment activities on the terms of leasing (leases);
 agent activities in the performance of banking transactions of an Islamic bank;
 3) under the sector 'life insurance' within the following insurance classes:
 life insurance;
 annuity insurance;

4) under the sector 'general insurance' within the following insurance classes:
 accident insurance;
 disease insurance;
 transport vehicle insurance;
 railway transport insurance;
 air transport insurance;
 water transport insurance;
 insurance of cargo
 insurance of property against damage, except for the classes as indicated in the clauses fourth — eighth of this subparagraph;
 insurance of civil legal liability of owners of motor transport;
 insurance of civil legal liability of owners of air transport;
 insurance of civil legal liability of owners of water transport;
 insurance of civil legal liability, except for the classes indicated in the clauses from the tenth to twelfth of this subparagraph;
 loan insurance;
 mortgage insurance;
 guarantee and warranty insurance;
 insurance of losses of financial organisations, except for the classes specified in the fourteenth, fifteenth, sixteenth and eighteenth clauses of this subparagraph;
 insurance against other financial losses;
 legal costs insurance;
 title insurance;

5) types of obligatory insurance established by laws of the Republic of Kazakhstan and being separate insurance classes:
 obligatory insurance of civil legal liability of owners of transport vehicles;
 obligatory insurance of civil legal liability of the carrier to passengers;
 obligatory insurance of civil legal liability of private notaries;
 obligatory insurance of civil legal liability of auditing organisations;
 obligatory insurance of civil legal liability of the tourism operator and tourism agent;
 obligatory insurance in plant growing;
 obligatory insurance of civil legal liability of owners of items, whose activities are related to danger of inflicting harm to third persons;

obligatory insurance of the employee against accidents when he performs working (service) functions;

obligatory ecological insurance;

6) activities of re-insurance.

The insurance organisation which has a licence under the 'general insurance' sector shall have the right to obtain a licence and to carry out activities of re-insurance by all the insurance classes inclusive in the 'general insurance' sector.

The insurance organisation which has a licence under the 'life insurance' sector shall have the right to obtain a licence and to carry out activities of re-insurance by all the insurance classes inclusive in the 'life insurance' sector.

The re-insurance organisation performing re-insurance as an exclusive type of activity on the basis of a re-insurance licence shall have the right to perform re-insurance by all the insurance classes in the 'life insurance' and 'general insurance' sectors;

7) insurance broker activities;

8) actuary activity in the insurance market, except for activity of persons who carry out activity as an independent actuary and who are members of international associations of actuaries, the list of and requirements to which are established by the authorised state body for regulation and supervision of the financial market and financial organisations; *[introduced by 22 to be effective January 1, 2012]*

9) broker activities;

10) dealer activities;

11) activities of maintenance of a system of registers of holders of securities, except for the activities of central depository and unified register;

12) activities of investment portfolio management;

13) activities of pension assets investment management;

14) custodian activities;

15) transfer agent activities;

16) activities of organisation of trading in securities and other financial instruments;

16-1) clearing activities associated with transactions in financial instruments;

17) activities of attraction of pension contributions and effecting of pension payments;

18) credit bureau activities, except for activities of a credit bureau with state participation.

Article 33. Licensing of Activities in the Sphere of Architecture, Town-planning and Construction

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Availability of licenses shall be required to be engaged in the following types of activities:

1) exploratory activities.

This type of activities shall comprise the following sub-types of activities:

engineering-geodesic operations, including:

arrangement and laying of geodesic centres;

creation of planned altitude survey networks;

topographic operations for projection and construction (survey at 1 : 10000 to 1 : 200 scale), as well as survey of underground communications and structures; tracing and survey of surface linear structures and their elements);

geodesic operations associated with the transfer into nature with tightening up to engineering-mining pits, geophysical and other exploration points;

engineering-geological and engineering-hydro-geological operations, including:

geophysical research; reconnaissance and survey;

field research of soils; hydro-geological research;

2) projection activities.

This type of activities shall comprise the following sub-types of activities:

town-planning projection (with the right of projection for the town-planning rehabilitation of historic construction districts, except for scientific-restoration work on historic and cultural memorials) and planning, including the elaboration of:

layout documentation (complex schemes of the town-planning layout of territories: district layout projects; general plans of inhabited areas; detail layout projects and projects for construction of districts, micro-districts, quarters, certain sections);

transport infrastructure development schemes for inhabited areas (street and road networks and in-city and out-of-city transport objects located within the boundaries of inhabited areas) and inter-settlement territories (out-of-city transport objects and communications located outside of the street and road network of inhabited areas);

heat supply schemes of inhabited areas with the location of heat energy generation and transportation objects within the system of construction, as well as heat supply to production complexes located in inter-settlement territories;

water supply schemes of inhabited areas with the location of portable and (or) technical water sources and tracing of water ways, as well as water supply schemes of production complexes, located in inter-settlement territories;

sewage schemes of inhabited areas and production complexes, including the centralised system of gathering and draining domestic, production and rain flows; placement of head treatment facilities, evaporators and flow re-generation objects;

gas supply schemes of inhabited areas and production complexes, located in inter-settlement territories;

electric energy supply schemes for inhabited areas, with the location of electric energy generation and transportation objects within the system of construction, as well as electric energy supply schemes for production complexes, located in inter-settlement territories;

telecommunication and communication schemes for inhabited areas, with the location of infrastructure items and information sources;

architectural projection for buildings and structures of the first, or the second and third levels of responsibility (with the right of projection for architectural-restoration work, except for scientific-restoration work on historic and cultural memorials), including:

general plans of objects; engineering preparation of territories; improvement and organisation of relief;

buildings, structures and communications of industrial (industrial-domestic) designation;

civil housing buildings and structures;

building projection (with the right of projection for capital repair and (or) reconstruction of buildings and structures, as well as reinforcement of structures for each of operations mentioned below) and design, in particular of:

basements and foundations;

- concrete and iron-concrete, stone and ferrous-stone structures;
- metal (steel, aluminium and alloy) structures;
- wood structures;
- projection of engineering networks and grids, including:
 - internal systems of heating (including electrical), ventilation, conditioning, cold water supply, gasification (low pressure gas supply), as well as their external networks with auxiliary objects;
 - internal systems of water pipelines (hot and cold water) and sewage, as well as their external networks with auxiliary objects;
 - internal systems of low current devices (telephony, fire-alarm signalling), as well as their external networks;
 - automation of technological processes, including control-measurement, accounting and regulating devices;
 - systems of internal and external electrical illumination, electric power supply up to 0.4 KW and to 10 KW;
 - electric power supply up to 35 KW, up to 110 KW and higher;
 - main oil pipelines, oil product pipelines, gas pipelines (middle and high pressure gas supply);
- elaboration of project special sectors on:
 - labour protection;
 - arrangement of anti-corrosion protection;
 - arrangement of lightning protection;
 - automation, arrangement of fire-alarm signalling, systems of fire extinguishing and fire protection at the stage of projection for new construction, overall repair, reconstruction or re-equipment of buildings and structures;
 - drawing up of estimate documentation;
 - drawing up of construction organisation projects and work performance projects;
- technological projection (elaboration of a technological part of construction projects) of buildings and structures of civil housing designation, including those for:
 - pre-school education; comprehensive and special education; boarding schools; personnel training institutions; scientific-research, cultural-educational and show institutions; enterprises of trade (including chemist shops), health (medical treatment and prophylaxis of diseases, rehabilitation and sanatorium treatment), public catering and domestic service, physical-culture and health recovery and sport exercises, rest and tourism, as well as other multi-functional buildings and complexes with premises of various public designation;
 - transport infrastructure (designed for direct service to population) and communal services (except for buildings and structures for service of transport vehicles, as well as of other industrial economic designation);
- technological projection (elaboration of a technological part of construction projects) of industrial designation objects, in particular:
 - for energy industry;
 - for processing industry, including light industry and food industry;
 - for heavy engineering industry;
 - for medical, microbiological, and pharmaceutical industries;
 - for dikes, dams, other hydraulic structures;
 - structures of column and mast type;
 - for hoisting transportation devices and lifts;
- technological projection (elaboration of a technological part of construction projects) of infrastructure items of transport, communication and communications, in particular for service of:

- in-city and out-of-city transport, including automobile, electrical, railway and other rail, air, water types of transport;
- local communication, radio and telecommunication lines;
- Republican and international communication lines (including satellite ones) and other types of telecommunications;
- technological projection (elaboration of a technological part of transport construction projects), including:
 - communication lines of railway transport;
 - automobile roads of all categories;
 - street and road network of city electrical transport;
 - bridges and bridge passages, including transport trestle bridges and multi-level road junctions;
- technological projection (elaboration of a technological part of projects) of construction of agricultural objects, except for enterprises of processing industry;
- 3) building and assembly operations.

This type of activities shall comprise the following sub-types of activities:

- special operations in soils, including:
 - arrangement of beddings;
 - construction of wells (except for oil and gas wells);
 - drilling, drilling-blasting operations in soils;
 - underwater technical operations and operations in the sea shelf;
 - earth operations in reclamation and water management construction;
 - hydro-mechanical operations in soils;
- erection of bearing and (or) enclosing structures of buildings and structures (including bridges, transport trestle bridges, tunnels, viaducts, other artificial structures) that includes the overall repair and reconstruction of objects, including:
 - assembling of metal structures;
 - assembling of building structures of column and mast types; smoke stacks;
 - assembling of bearing structures of bridges and bridge passages;
 - hydro-technical and mud structures; dikes, dams;
 - smoke stacks, grain-storage structures, cooling stacks, pit headgears;
 - mine digging and tunnel operations; arrangement of impervious barriers;
 - assembling of building structures of hoisting devices (lifts, escalators, mine headgears and lifts; cable roads and other structures of lifting devices);
 - assembling of building structures of aggregates, apparatuses and other technological structures of metallurgical, petrochemical, mining, power engineering and other sectors of industry;
 - arrangement of monolithic as well as assembling of, prefabricated concrete and iron-concrete structures; laying of piece elements of walls and partitions; and infilling of openings;
 - roof operations;
 - special building and erection operations associated with the laying of linear structures, including overall repair and reconstruction, in particular of:
 - steel reservoirs (containers), including those operated under pressure or designed for storage of explosive and fire dangerous or other dangerous (hazardous) liquid or gaseous substances;
 - field and main networks of oil pipelines, gas pipelines, as well as main networks of oil product pipelines;
 - main electric transmission lines with the voltage up to 35 KW and to 110 KW and up;

technological pipelines made of non-ferrous metal, polymeric materials and glass;

Republican and international communication and telecommunication lines;

arrangement of engineering networks and systems that includes the overall repair and reconstruction, in particular of:

- networks of power supply to railway communication lines; networks of energy supply and electrical lighting of air transport enterprises;
- networks of high and middle pressure gas supply, of domestic and industrial low pressure gas supply; internal gas supply systems;
- networks of cold and hot water supply; heat supply, centralised sewage of domestic, industrial and rain flows; arrangement of internal water pipelines, heating and sewage systems;
- power supply networks and arrangement of external electric lighting; internal electric lighting and electric heating systems;
- internal centralised systems;
- ventilation, air conditioning, pneumatic-transport and aspiration;
- operations associated with the protection and finishing of structures and equipment, in particular in the course of overall repair and reconstructions of objects (dampproofing, heat-insulation, anti-corrosion, in particular chemical protection covers against the affect of aggressive water; electric-chemical protection and lightning protection);
- construction of automobile roads and railways that includes overall repair and reconstruction, in particular of:
 - beddings and upper structures of railways;
 - beddings and pavements, protection structures; and construction of automobile roads of I and II technical categories, as well as of inter-city main roads of high-speed and regulated traffic, the traffic ways of main streets of all-city significance of continuous and regulated traffic;
 - beddings and pavements, protection facilities and the arrangement of automobile roads of the III, IV and V technical categories, as well as the traffic ways of not main streets of inhabited areas;
 - beddings and pavements of the runways of airdromes and helipads;
- assembling of technological equipment; start-up and adjustment operations associated with:
 - lifting facilities and other lifting transport devices;
 - metallurgy, concentration;
 - metal treatment;
 - wood treatment;
 - geological exploration, oil and gas field production line;
 - mining pit production, subways and tunnels;
 - hydro-technical and reclamation facilities;
 - storage and treatment of grain; production and storage of other food products;
 - coal, chemical and oil-processing production line;
 - manufacture of building materials, articles and structures;
 - manufacture of light industry goods;
 - manufacture of pharmaceuticals, items of medical designation and medical technical equipment; public health; rehabilitation and prophylaxis of diseases;
 - objects of theatrical-show, educational, sport designation;
 - electric furnaces, other electrical technical plants, including explosion-proof electrical technical equipment;
 - compressor machines, pumps and ventilation;

communication, anti-accident protection, control and signalling systems; blocking in transport, electric energy supply and water supply objects, other vital activity support facilities, as well as accounting and control devices of industrial designation;

4) activities associated with the organisation of construction of residential buildings at the expense of attracting shareholders' funds.

Article 34. Licensing of Activities in the Sphere of Production of the State Symbols of the Republic of Kazakhstan

Amended by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

It shall be required to have a licence to manufacture the State Flag of the Republic of Kazakhstan and the State Emblem of the Republic of Kazakhstan-

~~Article 35. Licensing of Activities in the Sphere of Customs Business~~

Repealed by 20) Law No. 297-IV of 30th June 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Matters of Customs Regulation and Taxation.

Article 36. Licensing of Activities in the Sphere of Manufacture and Turnover of Ethyl Alcohol, Manufacture of Tobacco Articles

Amended by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

It shall be required to have a licence to be engaged in the following types of activity:

- 1) manufacture of ethyl alcohol;
- 2) manufacture of alcohol products.

This type of activity shall comprise the following sub-types of activity:

- manufacture of vodkas and special vodkas;
- manufacture of alcoholic beverages;
- manufacture of wine materials;
- manufacture of wines;
- manufacture of cognac;
- manufacture of brandy;
- manufacture of beer;

3) storage, wholesale and (or) retail sale of alcohol products, except for activities of storage, wholesale and (or) retail sale of alcohol products in the territory they are produced in;

~~4) import of ethyl alcohol and alcohol products; [repealed by 29]~~

5) manufacture of tobacco articles.

~~Article 37. Licensing of Activities Related to the Use of Currency Values~~

Repealed by 10) Law No. 167 of 4th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Currency Regulation and Currency Control.

Article 37-1. Licensing of Activity in the Sphere of Commodity Exchanges

Introduced by 8) Law No. 156 of 4th May 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Commodity Exchanges.

The presence of licences shall be required to engage in the following types of activity:

- 1) activity of commodity exchanges;
- 2) activity of exchange brokers and exchange dealers.

CHAPTER 4. LICENSING IN THE SPHERE OF EXPORT AND IMPORT OF GOODS

Article 38. General Provisions

Introduced by 27) Law No. 400 of 26th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Trade Activity.

1. The list of goods, whose exports and (or) imports are subject to licensing, shall be established by the Government of the Republic of Kazakhstan based on the unified list of goods, to which the prohibitions or restrictions apply in respect of import or export by the participant-states of the Customs Union within the framework of the Eurasian Economic Community in trade with third countries that is approved by the decision of the Commission of the Customs Union.

Licensing export and (or) import of goods must not have more restricting or distorting impacts on export or import of goods than the purposes for the achievement of which the said restrictions are imposed.

2. A licence shall be issued to each commodity that is classified in accordance with the Unified Commodity Nomenclature of Foreign Economic Activity, in relation to which commodity licensing is imposed.

The licensor shall issue the following types of licences:

- one-time licences;
- general licences;
- exclusive licences.

Issuing general and exclusive licences shall be carried out by the licensor in cases provided for by the decision of the Commission of the Customs Union.

2. Holders of general and exclusive licences shall be obliged to present to the authorised body quarterly before the fifteenth day of the month following a reporting quarter reports on the course of fulfilling of licences.

Holders of one-time licences shall be obliged to present to the authorised body a certificate of fulfillment of the licence, within fifteen calendar days upon the end of the term of validity of the licence.

4. The period of validity of a one-time licence may not exceed one year from the date of the beginning of its validity. The term of validity of a one-time licence may be limited by the term of validity of a foreign trade agreement (contract) or by the term of validity of a document that is a base for the issue of the licence.

For goods, in respect of which quantitative restrictions are imposed, the period of validity of a licence shall end in a calendar year, for which the quota is established.

The term of validity of a general licence may not exceed one year from the date of the beginning of its validity; and for goods, in relation to which quantitative restrictions are imposed, it shall end in a calendar year for which the quota is

established, unless otherwise is provided for by the decision of the Commission of the Customs Union.

The term of validity of an exclusive licence shall be established by the decision of the Commission of the Customs Union in each specific case.

~~Article 39. Licensing of Export of Certain Goods~~

Repealed by 27) Law No. 400 of 26th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Trade Activity.

~~Article 40. Licensing of Import of Certain Goods~~

Repealed by 27) Law No. 400 of 26th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Trade Activity.

Article 41. Automatic Licensing of Import of Certain Goods

Amended by 27) Law No. 400 of 26th January 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Regulation of Trade Activity.

In case of automatic licensing of certain goods, the application shall be approved in all the cases. In this case any person, which meets legal requirements to the importer country for conducting of import transactions, shall have the equal right to petition and to obtain a licence for import. The application for obtaining of a licence may be submitted on any working day before customs clearance of goods. The licence shall be issued within ten working days if the application for obtaining of a licence and necessary documents are presented in the proper and full form.

The list of goods to be automatically licensed, shall be approved by the Government of the Republic of Kazakhstan.

CHAPTER 5. TERMS AND PROCEDURE FOR ISSUING LICENCES AND SUPPLEMENTS TO LICENCES

Article 42. License and (or) License Supplement Issue Conditions

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

1. A license and (or) supplement to the license shall be issued at the place of registration of a physical person or a legal entity in cases where the licensor is a local executive body or the territorial bodies of the central state body.

2. To obtain the license and the supplement to the license (in cases of availability of sub-types of activities), the following documents shall be required:

1) application;

2) copy charter (except for export and import operations) and a copy certificate of state registration of the applicant in the capacity of legal entity (notarised copies in cases of non-presentation of the originals for comparison) – for legal entities;

3) copy identification document – for physical persons;

4) copy certificate of state registration of the applicant in the capacity of individual entrepreneur (notarised copy in the case of non-presentation of the original for comparison) – for an individual entrepreneur;

5) copy certificate on the applicant's being put on records by a tax body (notarised copy in the case of non-presentation of the original for comparison);

6) copy document that confirms payment of a licensing fee to the budget for the right to be engaged in certain types of activities (notarised copy in the case of non-presentation of the original for comparison);

7) information and documents in accordance with qualification requirements. Additional requirements to the list of documents in cases of issuing the license for the right to be engaged in activities in the financial sphere and the activities associated with the concentration of financial resources may be established by the National Bank of the Republic of Kazakhstan and by the authorised state body for regulation and supervision of financial market and financial organisations in accordance with the laws of the Republic of Kazakhstan.

3. To obtain the supplement to the license within the frameworks of the type of activities, to which the license is available, the following documents shall be required:

1) application;

2) copy license (notarised copy in the case of non-presentation of the original for comparison);

3) information and documents in accordance with the qualification requirements to the sub-type of activities.

4. The licensor shall – within two working days from the day of receiving the licensee's (applicant's) documents – be obliged to check the fullness of the documents presented. In the case of establishing the fact of non-fullness of the documents presented, the licensor shall – within mentioned dates – issue a written motivated denial to further consideration of the application.

5. To obtain the agreements of state bodies with regard to the applicant's compliance with the requirements of the legislation of the Republic of Kazakhstan, the licensor shall – within two working days from the day of registration of the applicant's documents for obtaining the license and (or) the supplement to the license – submit an inquiry to relevant state bodies at the place of the applicant's performance of the type of activities to be licensed.

The state bodies shall – on the basis of the licensor's inquiry, within ten working days – send the answer to a relevant licensor concerning the applicant's compliance or non-compliance with the applicable requirements.

In cases of the state bodies' non-presentation of the answer within the dates established by this Law, the issue of the license shall be deemed agreed upon.

6. The procedure and conditions for issue, denial to issue, suspension, termination of the license for the right to be engaged in activities in the financial sphere and in the activities associated with the concentration of financial resources shall be established by the National Bank of the Republic of Kazakhstan and the authorised state body for regulation and supervision of financial market and financial organisations in accordance with the laws of the Republic of Kazakhstan.

The conditions and procedure for the issue of licenses for the right to be engaged in activities in the sphere of gambling business shall be defined by the Law of the Republic of Kazakhstan "Concerning Gambling Business".

The conditions and procedure for issuing licenses for activities associated with organising the construction of residential buildings at the expense of attracting shareholders' money shall be defined by the Law of the Republic of Kazakhstan "Concerning Share Participation in Housing Construction".

Special conditions for issuing licenses for the right to be engaged in activities in the sphere of architecture, town-planning and construction shall be defined by the Law of the Republic of Kazakhstan "Concerning Architectural, Town-planning and Construction Activities in the Republic of Kazakhstan".

7. All the documents submitted to a relevant licensor for issuing licenses and (or) supplements to licenses shall be accepted in accordance with the list, the copy of which shall be sent (handed over) to the applicant, with the mark concerning the documents acceptance date of the mentioned body.

Article 43. Dates of Considering Applications for Issue of Licenses and Supplements to Licenses

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

1. The licensor shall issue the license and (or) supplement to the license no later than within fifteen working days, except for the licensors in the sphere of using atomic energy, in the financial sphere and in cases of activities associated with the concentration of financial resources, for which the license and (or) supplements to the license shall be issued no later than within thirty working days, from the day of filing the application with relevant documents established by this Law.

The licensor shall – within the term established by this Article – be obliged either to issue the license and (or) supplement to the license, or to give a motivated answer in writing concerning the reasons of denial to issue the license and (or) supplement to the license.

2. In cases where the licensor fails – within the terms established by this Law – to issue to the applicant the license and (or) supplement to the license, or to give a motivated denial to issue the license and (or) supplement to the license, the license and (or) supplement to the license shall be deemed issued from their issue expiration date.

The licensor shall – no later than within five working days from the day of expiration of the issue date of the license and (or) supplement to the license – be obliged to issue to the applicant a relevant license and (or) supplement to the license.

In cases where the licensor fails to issue the license and (or) supplement to the license, the license and (or) supplement to the license shall - upon the expiration of five working days - be deemed received, and a copy list with the mark concerning the date of the licensor's acceptance of documents shall be regarded as the document that confirms the legality of exercising the licensed types of activities, until the license is received.

Article 44. A Licence Fee for the Right of Engagement in Certain Types of Activity

Amended by 3) Law No. 101 of 10th December 2008 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Taxation;

16) Law No. 200 of 16th November 2009 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Taxation.

The licence fee for the right of engagement in certain types of activity shall be collected if licences (duplicate licences) are issued (re-formulating) in accordance with the Tax Code of the Republic of Kazakhstan.

Rates of the licence fee for the right of engagement in certain types of activity shall be established by the Tax Code of the Republic of Kazakhstan.

Where supplements to the licence (duplicate supplements to the licence) are issued, the licence fee shall not be collected.

Article 45. Denial of Issue of a Licence and (or) Supplement to the Licence

Amended by 10) Law No. 167 of 4th July 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Currency Regulation and Currency Control;

19) Law No. 262 of 2nd April 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Enforcement Procedures; and

29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

1. Denial to issue of a licence and (or) supplement to the licence shall be carried out in cases if:

1) engagement in the type of activity is prohibited by laws of the Republic of Kazakhstan for the stated category of entities;

~~2) [repealed by 29]~~

3) the licence fee for the right of engagement in certain types of activity is not paid where the application for issue of a licence for the type of activity is presented;

4) the applicant does not meet the qualification requirements;

4-1) issue of the license to the applicant is not agreed upon by the coordinating state body;

5) in relation to the applicant there is a court sentence entered in legal force which prohibits it to be engaged in the certain type of activity;

6) the court on the basis of a proposal of the court enforcement officer prohibits the applicant to receive licences.

Additional requirements to denial of issue of licences for engagement in activities in the financial sphere and activities related to concentration of financial resources, may be established by the National Bank of the Republic of Kazakhstan and by the authorised state body for regulation and supervision of the financial market and financial organisations in accordance with laws of the Republic of Kazakhstan.

2. In case of denial of issue of a licence the licenser shall give to the applicant a motivated reply in the written form within the term established for issue of a licence and (or) supplement to the licence.

Article 46. Appealing a Denial of Issue of a Licence and (or) Supplement to the Licence

If a licence and (or) supplement to the licence are not issued by the time fixed by this Law or the applicant considers the denial of issue of a licence and (or) supplement to the licence as baseless, he shall have the right to appeal those actions in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

CHAPTER 6. REFORMULATION, ISSUING OF DUPLICATES, TERMINATION AND SUSPENSION OF LICENCES AND SUPPLEMENTS TO LICENCES

Article 47. Re-execution and Issue of Duplicate Licenses and (or) Supplements to Licenses

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

1. In cases of loss or damage of the license and (or) supplement to the license, the licensee shall have the right to obtain a duplicate license and (or) supplement to the license.

The blank license and (or) supplement to the license lost or damaged shall be deemed invalid from the day when the licensee files a written application to the licensor.

The licensor shall – within two working days from the day of filing the application – issue the duplicate license and (or) supplement to the license and assign a new number thereto and the mark “Duplicate” in the right top corner.

2. The license and (or) supplement to the license shall be liable to re-execution in the following cases:

- 1) change of the surname, name, patronymic name of the physical person;
- 2) re-registration of the individual entrepreneur, change of the name and address thereof;
- 3) re-organisation of the legal entity in the form of merging, affiliation, segregation, or transformation;
- 4) change of the name and (or) legal address of the legal entity.

In the case of change in the name of the type and (or) sub-type of activities, the licensee shall have the right to file the application for the re-execution of the license, in accordance with the procedure established by this paragraph.

The licensee shall file the application for re-execution of the license within thirty calendar days, with the attachment of documents confirming payment to the budget, of the licensing fee for the right to be engaged in certain types of activities in cases of re-execution of the license, copy license and supplement to the license (if any).

In the case of a failure to attach to the application the documents mentioned in this paragraph, the licensor shall deny the re-execution of the license and (or) supplement to the license.

In cases where one or more banking operations, or one or more classes in insurance activities are excluded from the licensed types of activities, the licensee shall be obliged – within thirty calendar days – to file the application for re-execution of the license and attach the license.

In the case of change of the name of the types of activities, the physical person or legal entity, which exercises activities in the financial sphere and activities associated with the concentration of financial resources, unless the change entails the change of the essence of the licensed type of activities, shall be obliged to file – within thirty calendar days – the application for re-execution of the license and attach the documents that confirm payment to the budget of the licensing fee for the right to be engaged in certain types of activities in cases of re-execution of licenses, and a copy license.

3. The licensor shall – within ten working days from the day when the licensee files a relevant written application – re-execute the license and (or) supplement to the license (if any).

The licensee shall be obliged - upon receipt of the re-executed license – to return to the licensor the license and (or) supplement to the license (if any) issued earlier.

Article 48. Termination of a Licence and (or) Supplement to the Licence

Amended by 7) Law No. 135 of 13th February 2009 of the Republic of Kazakhstan. Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan Concerning Issues of Functioning of the National Prosperity Foundation and Recognition as Invalid of the Law of the Republic of Kazakhstan “Concerning the Investment Foundation of Kazakhstan”;

18) Law No. 241-IV of 20th January 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Forensic Expert Activities.

1. The licence and (or) supplement to the licence shall be terminated in cases of:
 - 1) the expiration of the term for which the licence was issued;
 - 2) the making of the actions (operations) in the full volume for making of which the licence was issued;
 - 3) the deprivation of the licence;
 - 4) the cessation of activities of the physical person, liquidation of the legal entity, reorganisation of the legal entity, except for reorganisation in the form of merger, takeover, separation or transformation;
 - 5) the voluntary return of the licence and (or) supplement to the licensor;
 - 6) the exclusion of the certain type of activity and (or) sub-type of activity from the list of licensed ones;
 - 7) exclusion of a licensee from among the entities which are subject to licensing;
 - 8) in other cases provided for by the laws of the Republic of Kazakhstan.
2. Where the licence and (or) supplement to the licence is terminated the licensee shall be obliged to return to the licensor the licence and (or) supplement to the licence within ten working days.

Article 49. Suspension, Deprivation of a Licence

Amended by 18) Law No. 241-IV of 20th January 2010 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Forensic Expert Activities.

Suspension, deprivation of the licence shall be performed in accordance with the procedure stipulated by the laws of the Republic of Kazakhstan.

Article 49-1. Licensing Control

Introduced by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

1. Licensing control shall be carried out in the form of inspection and in other forms.
2. The inspection shall be carried out in accordance with the Law of the Republic of Kazakhstan “Concerning State Control and Supervision in the Republic of

Kazakhstan”. Other forms of state control shall be carried out in accordance with the laws of the Republic of Kazakhstan.

CHAPTER 7. CONCLUDING PROVISIONS

Article 50. Compensation of Losses

Amended by 29) Law No. 461 of 15th July 2011 of the Republic of Kazakhstan Concerning the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues of Improvement of the Permissive System.

Compensation of losses caused by the baseless denial of issue of a licence or violation of rights of the licensee shall be performed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 51. Violation of the Legislation of the Republic of Kazakhstan Concerning Licensing

Violation of the legislation of the Republic of Kazakhstan concerning licensing shall involve responsibility established by laws of the Republic of Kazakhstan.

Article 52. The Procedure for Enactment of This Law

1. This Law shall be enacted upon the expiration of six months from the day of its official publication.

2. The Law of 17th April 1995 of the Republic of Kazakhstan ‘Concerning Licensing’ (The Bulletin of the Supreme Soviet of the Republic of Kazakhstan, 1995, No. 3-4, i. 37; No. 12, i. 88; No. 14, i. 93; No. 15-16, i. 109; No. 24, i. 162; the Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No. 8-9, i. 236; 1997, No. 1-2, i. 8; No. 7, i. 80; No. 11, i. 144, 149; No. 12, i. 184; No. 13-14, i. 195, 205; No. 22, i. 333; 1998, No. 14, i. 201; No. 16, i. 219; No. 17-18, i. 222, 224, 225; No. 23, i. 416; No. 24, i. 452; 1999, No. 20, i. 721, 727; No. 21, i. 787; No. 22, i. 791; No. 23, i. 931; No. 24, i. 1066; 2000, No. 10, i. 248; No. 22, i. 408; 2001, No. 1, i. 7; No. 8, i. 52, 54; No. 13-14, i. 173, 176; No. 23, i. 321; No. 24, i. 338; 2002, No. 2, i. 17; No. 15, i. 151; No. 19-20, i. 165; 2003, No. 1-2, i. 2; No. 4, i. 25; No. 6, i. 34; No. 10, i. 50, 51; No. 11, i. 69; No. 14, i. 107; No. 15, i. 124, 128, 139; 2004, No. 2, i. 9; No. 5, i. 27; No. 10, i. 54; No. 14, i. 82; No. 15, i. 86; No. 16, i. 91; No. 17, i. 98; 2005, No. 7-8, i. 23; No. 11, i. 37; No. 14, i. 55, 58; No. 23, i. 104; 2006, No. 8, i. 45; No. 13, i. 85; No. 15, i. 92; No. 16, i. 97, 102) shall be recognised invalid.

President of the Republic of Kazakhstan
N. NAZARBAEV