



## On Amendments and Addenda to Certain Legislative Acts of the Republic of Kazakhstan on State Monopoly

Law of the Republic of Kazakhstan dated July 10, 2012 No. 34-V

Note of RCLI (Regional Center of Legal Information)!

This Law shall come into force in accordance with provisions of Article 2

**Article 1.** To introduce amendments and addenda to the following legislative acts of the Republic of Kazakhstan:

1. To the Land Code of the Republic of Kazakhstan dated June 20, 2003 (Bulletin of the Parliament of the Republic of Kazakhstan), 2003, No. 13, article 99; 2005, No. 9, article 26; 2006, No. 1, article 5; No. 3, article 22; No. 11, article 55; No. 12, article 79, 83; No. 16, article 97; 2007, article 1, article 4; No. 2, article 18; No. 14, article 105; No. 15, article 106, 109; No. 16, article 129; No. 17, article 139; No. 18, article 143; No. 20, article 152; No. 24, article 180; 2008, No. 6-7, article 27; No. 15-16, article 64; No. 21, article 95; No. 23, article 114; 2009, No. 2-3, article 18; No. 13-14, article 62; No. 15-16, article 76; No. 17, article 79; No. 18, article 84, 86; 2010, No. 5, article 23; No. 24, article 146; 2011, No. 1, article 2; No. 5, article 43; No. 6, article 49, 50; No. 11, article 102; No. 12, article 111; No. 13, article 114; No. 15, article 120; 2012, No. 1, article 5; No. 2, article 9, 11; No. 3, article 27; No. 4, article 32; No. 5, article 35; No. 8, article 64):

1) the heading of Article 153 to be added with words “and activity technologically associated with its maintenance”

2) in paragraph 3 of Article 152:

the second part shall read as follows:

“The activity on maintenance of the State land cadastre of the Republic of Kazakhstan shall relate to the State monopoly and to be performed by the Republican State Enterprises on the basis of economic control rights established by the decision of the Government of the Republic of Kazakhstan”;

the third part to be added with the following content:

“Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan”;

3) Article 153 shall read as follows:

“Article 153. Content of the State land cadastre and activity technologically associated with its maintenance”

1. Maintenance of the State land cadastre includes following types of activity:

1) formation of cadastral case of a land plot;

2) recording the land quality including the economic estimation and land monitoring, carrying out the soil, geobotanical, agrochemical examinations and soil valuations;

3) recording of quantity of lands, owners of land plots and land-users as well as other entities of land legal relations for the purposes of State registration;

4) State cadastral estimation of lands including definition of cadastral

(assessed) cost of land plots; scheming of borders of assessed areas in residential places with the establishment in them of the correction factors to the base rates of payment for land plots; calculation of base rates of payment for land plots; determination of agricultural industry losses in withdrawal of agricultural lands for the purposes not connected with farming;

5) accumulation, processing and maintenance of database of land plots and their entities as well as another cadastral information in hard copies and in electronic format;

6) maintenance of automated information system of the State land register;

7) producing and maintenance of land cadastral cards, including digital cards;

8) maintenance of land cadastral book and unified State land register;

9) preparation of identification documents for a land plot;

10) assignment of cadastral numbers to land plots;

11) preparation of land plot certificates.

2. Activities technologically associated with maintenance of the State land cadastre are the following:

1) setting the borders of administrative territorial units, specially protected natural sites, lands of the State forest and water resources at the place;

2) drawing up of projects for formation of land plots for use, projects of recultivation of disturbed lands, delimitation of land plot borders at the place where lands were provided from the State ownership;

3) development of projects of internal land regulation on land plots owned by the State and given for use in agricultural farming”.

2. To the Forestry Code of the Republic of Kazakhstan dated July 8, 2003 (Bulletin of the Parliament of the Republic of Kazakhstan), 2003, No. 16, article 140; 2004, No. 23, article 142; 2006, No. 3, article 22; No. 16, article 97; 2007, No. 1, article 4; No. 2, article 18; No. 3, article 20; 2008, No. 23, article 114; 2009, No. 18, article 84; 2010, No. 5, article 23; 2011, No. 1, article 2, 3; No. 11, article 102; 2012, No. 2, article 14; No. 3, article 27):

1) subparagraph 31) Article 4 shall read as follows:

“31) State forest managing organization – Republican State enterprise established by the decision of the Government of the Republic of Kazakhstan”;

2) in Article 55:

to exclude the subparagraph 13) of the second part of paragraph 1;  
paragraph 2 shall read as follows:

“2. Forest management, associated with recording of forest resources, territorial management of forest fund including with setting of borders of the State forest fund, State monitoring of forests, planning the forest management and forest utilization, shall relate to the State monopoly and shall be performed by the State forest managing organization.

“Prices for goods (works, services) produced and (or) sold by the State monopoly shall be set by the Government of the Republic of Kazakhstan”;

3) in paragraph 3 of Article 77 words “specialized organizations of the authorized agency” shall be replaced with words “organizations specializing in this field”;

4) in the paragraph 3-1 of article 78 words “specialized organizations of the authorized agency in accordance with order established by it” shall be replaced with words “organizations specializing in this field in order established by the Government of the Republic of Kazakhstan”;

3. To the Environmental Code of the Republic of Kazakhstan dated January 9, 2007 (Bulletin of Parliament of the Republic of Kazakhstan, 2007, No. 1, article 1; No. 20, article 152; 2008, No. 21, article 97; No. 23, article 114; 2009, No. 11-12, article 55; No. 18, article 84; No. 23, article 100; 2010, No. 1-2, article 5; No. 5, article 23; No. 24, article 146; 2011, No. 1, article 2, 3, 7; No. 5, article 43; No. 11, article 102; No. 12, article 111; No. 16, article 129; No. 21, article 161; 2012, No. 3, article 27; No. 8, article 64):

1) paragraph 5 of Article 28 shall be amended to read as follows:

“5. In setting of norms of emissions the existing contamination of the environment shall be considered. Data on background concentrations of the environmental quality parameters shall be provided by the national hydro-meteorological service under the agreement with the project customer or project organization. Presentation of data on background concentrations of the environmental quality parameters shall belong to activity technologically associated with monitoring of environmental condition”;

2) in paragraph 1 of article 145-2:

the first sentence after the word “maintenance” shall be added with words “monitoring of environmental condition”;

second and third parts shall be added to read as follows:

“Activity on meteorological and hydrological monitoring and monitoring of environmental condition shall belong to the State monopoly and shall be performed by the national hydro-meteorological service – the Republican State enterprise on the basis of economic control rights, established by the decision of the Government of the Republic of Kazakhstan.

“Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan”;

3) in paragraph 8 of article 274 the words “specialized enterprises” shall be replaced with words “organizations specializing in this field”;

4) paragraphs 4 and 6 of article 292 shall be amended to read as follows:

“4. Transportation and collection of wastes to allocated place of storage and processing shall be performed by organizations specializing in this field at the expense of owners of wastes”;

“6. Disposal of public wastes, formation and operation of waste landfills shall be performed by the State public enterprises and other organizations specializing in this field”.

4. To the Code of the Republic of Kazakhstan dated September 18, 2009 “On People’s Health and Healthcare System” (Bulletin of Parliament of the Republic of Kazakhstan, 2009, No. 20-21, article 89; 2010, No. 5, article 23; No. 7, article 32; No. 15, article 71; No. 24, article 149, 152; 2011, No. 1, article 2, 3; No. 2, article 21; No. 11, article 102; No. 12, article 111; No. 17, article 136; No. 21, article 161; 2012, No. 1, article 5; No. 3, article 26; No. 4, article 32; No. 8, article 64):

1) table of contents shall be added with the heading of Article 63-1 of the following content:

“Article 63-1. Assessment of safety and quality of medications and products of medical purpose, registered in the Republic of Kazakhstan”;

2) subparagraph 6) of paragraph 2 of Article 5 shall be added with words “, except for medications, products of medical purpose and medical equipment”;

3) Article 6 shall be added with the subparagraph 12-1) of the following content:

“12-1) approves the procedure of conducting of estimation of safety and quality of

medications and products of medical purpose registered in the Republic of Kazakhstan”;

4) paragraph 1 of Article 7 shall be added by subparagraphs 29-1) and 50-1) of the following content:

“29-1) development of procedure of conducting estimation of safety and quality of medications and products of medical purpose registered in the Republic of Kazakhstan”;

“50-1) implementing the State control over conducting estimation of safety and quality of medications and products of medical purpose registered in the Republic of Kazakhstan”;

5) in Article 17:

paragraph 1 after the word “healthcare” shall be added with the words “, except for medications, products of medical purpose and medical equipment,”;

paragraphs 2 and 3 shall be excluded;

6) paragraph 2 of Article 63 shall be amended to read as follows:

“2. Expertise of medications, products of medical purpose and medical technology shall relate to the State monopoly and shall be performed by the Republican State enterprise on the basis of economic control rights which is the State expert organization in the field of management of medications, products of medical purpose and medical equipment.

“Prices for goods (works, services) produced and (or) sold by the State monopoly shall be set by the Government of the Republic of Kazakhstan”;

7) to add with Article 63-1 of the following content:

“Article 63-1. Estimation of safety and quality of medications and products of medical purpose registered in the Republic of Kazakhstan”

1. Estimation of safety and quality of medications and products of medical purpose registered in the Republic of Kazakhstan shall be performed by determining compliance of safety and quality of medications and products of medical purpose with the data of registration dossier, normative documents on standardization on the basis of which they were registered in the Republic of Kazakhstan.

2. Estimation of safety and quality of medications and products of medical purpose registered in the Republic of Kazakhstan shall relate to the State monopoly and shall be performed by the Republican State enterprise on the basis of economic control rights which is the State expert organization in the field of the management of medications, products of medical purpose and medical equipment that has testing laboratories accredited in order set by the legislation of the Republic of Kazakhstan.

“Prices for goods (works, services) produced and (or) sold by the entity of the State monopoly shall be set by the Government of the Republic of Kazakhstan”;

8) subparagraph 2) paragraph 4 Article 69 shall read as follows:

“2) quality of which is not confirmed by conclusion on safety and quality in the order set by the legislation of the Republic of Kazakhstan”;

9) the second part of paragraph 11 Article 71 shall be amended to read as follows:

“Expertise shall be carried out by the State expert organization in the field of circulation of medications, products of medical purpose and medical equipment, in accordance with the order approved by the authorized agency”.

5. To the Law of the Republic of Kazakhstan dated June 20, 1997 “On Pension Safeguarding in the Republic of Kazakhstan” (Bulletin of Parliament of the Republic of Kazakhstan, 1997, No. 12, article 186; 1998, No. 24, article 437; 1999, No. 8, article 237; No. 23, article 925; 2001, No. 17-18, article 245; No. 20, article 257; 2002, No. 1, article 1; No. 23-24, article 198; 2003, No. 1-2, article 9; No. 11, article 56; No.

15, article 139; No. 21-22, article 160; 2004, No. 11-12, article 66; No. 23, article 140, 142; 2005, No. 7-8, article 19; No. 11, article 39; No. 14, article 55, 58; No. 23, article 104; 2006, No. 3, article 22; No. 8, article 45; No. 12, article 69; No. 23, article 141; 2007, No. 2, article 18; No. 3, article 20; No. 4, article 28, 30; No. 9, article 67; No. 10, article 69; No. 24, article 178; 2008, No. 17-18, article 72; No. 20, article 88; No. 23, article 114, 123; 2009, No. 17, article 81; No. 19, article 88; No. 23, article 111; 2010, No. 5, article 23; No. 7, article 28; No. 15, article 71; No. 24, article 140; 2011, No. 1, article 3; No. 6, article 49; No. 11, article 102; No. 14, article 117; No. 24, article 196; 2012, No. 2, article 14, 15; No. 3, article 26; No. 4, article 32):

1) Article 1 shall read as follows:

“Article 1. Basic concepts used in this Law”

Following basic concepts are used in the Law:

1) automated information system – software of the pension savings fund required for accounting the pension assets and savings on an individual pension account and which provides reliability, safety and protection of information against an unauthorized access;

2) social individual code – permanent individual code which is assigned to a citizen as well as persons who are covered by the right to a pension benefits in accordance with the Law;

3) diversification – distribution of pension assets to various financial instruments for the purpose of risk reduction of their losses in accordance with the requirements set by the authorized agency;

4) control – ability to determine decisions of a juridical person arising upon availability of one of following conditions:

one entity, independently or jointly with one or several entities, directly or indirectly holding more than fifty percents of share of participation in the charter capital or distributed (except privileged and repurchased by the company) shares of juridical person, or ability to vote independently with more than fifty percents of shares of a juridical person;

ability of one entity to elect not less than half of content of the regulatory agency or executive agency of a juridical person;

inclusion of the financial reporting of a juridical person, except for financial reporting of a special financial company, established in accordance with the legislation of the Republic of Kazakhstan on project financing and securitization, to the financial recording of a juridical person in accordance with the audit report;

ability of one entity independently or jointly with one or several entities to determine decisions of entity juridical person under a contract (confirming documents) or otherwise in cases specified by the normative legal act of the authorized agency;

5) printed publication – periodic printed publications, the list of which is defined by the authorized agency;

6) parent organization – a juridical person which has control over another juridical person;

7) minimal pension – minimum size of pension payments set by the law on republican budget for appropriate financial year;

8) voluntary pension contributions – money contributed by depositors at own initiative to the pension saving funds to the benefit of a receiver of pension payments in the order defined by the legislation of the Republic of Kazakhstan and agreement of pension benefits by means of voluntary pension contributions;

9) rate of voluntary pension contributions – amount of payment to the pension

saving fund defined by the agreement of pension benefits by means of voluntary pension contributions;

10) depositor of voluntary pension contributions – individual or juridical person implementing the voluntary pension contributions at the expense of own means to the benefit of a receiver of pension payments in accordance with the agreement of pension benefits by means of voluntary pension contributions;

11) voluntary professional pension contributions – money contributed by depositors at own initiative to pension saving funds to benefit of employees under the list of professions defined by the Government of the Republic of Kazakhstan in order set by the legislation of the Republic of Kazakhstan and the agreement of pension benefits by means of voluntary professional pension contributions;

12) rate of voluntary professional pension contributions – amount of payment to the pension saving fund defined by the agreement of pension benefits by means of voluntary professional pension contributions and the Law;

13) depositor of voluntary professional pension contributions – individual or juridical person implementing the voluntary professional pension contributions by means of own funds to the benefit of employee in accordance with the agreement of pension benefits by means of voluntary professional pension contributions;

14) individual pension account – registered account at depositor's name (receiver of pension payments) in the pension saving fund where the obligatory or voluntary pension contributions or voluntary professional pension contributions, investment income, fine and other revenues are taken into consideration in accordance with the legislation of the Republic of Kazakhstan and from which the pension payments are made;

15) pension saving fund – juridical person implementing the activity of collecting pension contributions and pension payments, as well as activity of investment management of pension assets set by the legislation of the Republic of Kazakhstan;

16) separate accounting in the pension saving fund – not inclusion of pension assets into accounting balance-sheet of the pension saving fund as a juridical person;

17) indirect possession (voting) of shares of the pension saving fund or organization implementing investment management of pension assets, – ability to determine decisions of pension saving fund or organization implementing investment management of pension asset, major participant of pension fund or organization implementing the investment management of pension assets or persons who jointly represent the major participant of the pension saving fund or organization implementing the investment management of pension assets through the shareholding (share of participation in the authorized capital) of juridical persons;

18) major participant of a pension savings fund or organization implementing the investment management of pension assets, – individual or juridical person (except for cases when such owner is the State or a national managing holding, as well as the cases prescribed by the Law) who may possess directly or indirectly ten or more percents of distributed (except the privileged and repurchased) shares of the pension saving fund or organization which implement the investment management of pension assets in accordance with the written consent of the authorized agency, or has the ability to:

vote directly or indirectly with ten or more percents of the voting shares of the pension savings fund or organization implementing the investment management of pension assets;

have impact on decisions made by the pension savings fund or organization implementing the investment management of pension assets in pursuance of an agreement or otherwise in order defined by the normative legal act of the authorized agency;

19) indirect possession of shares of participation in the authorized capital or

possession (voting) of shares of a juridical person - ability to define the decisions of a juridical person, major participant of a juridical person or entities who jointly represent the major participant of a juridical person through possession (voting) of shares (shares of participation in the charter capital) of other juridical persons;

20) pension - aggregate of pension payments from authorized organizations, pension savings funds;

21) pension assets - money, securities or other financial instruments designed for provision and implementation of pension payments and transfers as well as withdrawals from the pension savings funds;

22) organization implementing the investment management of pension assets, - legal entity implementing investment management of pension assets of the pension savings funds;

23) agreement of retirement annuity - insurance agreement according to which the insurant (receiver of pension payments) is obliged to transfer the sum of pension savings to the insurance organization, and the insurance organization is obliged to implement the insurance payments to the benefit of insurant (receiver of pension payments) for term of life or during specified period of time;

24) pension savings - money of depositor (receiver of pension payments) that is taken into account on the individual pension account, including the obligatory pension contributions, voluntary pension contributions and voluntary professional pension contributions, investment income, fine and other revenues in accordance with the agreements, the Law and legislation of the Republic of Kazakhstan;

25) real cost of pension savings - nominal cost of pension savings corrected to the index of consumer prices, which is calculated by the authorized agency in the field of the State statistics;

26) the agreement of pension benefits - agreement, concluded by the pension savings fund, on the one hand, and depositor and (or) receiver of pension payments, on the other hand, of establishment, changing or termination of legal relations associated with the pension contributions, savings and receiving the payments;

27) pension payments from:  
authorized organization - payments to the individuals who have the work experience not less than six months as of January 1, 1998, made proportionally with the work experience;  
pension savings fund - payments of pension savings to the receivers of pension payments;

28) receiver of pension payments (hereinafter referred to as - receivers) - individual person for whom the pension payments are assigned from the authorized organization and (or) who has the right to receive the pension payments from the pension savings fund;

29) investment declaration - the document that is an application to the pension regulations and defining the list of investment objects, purposes, strategies, conditions and restriction of investment activity concerning the pension assets, condition of hedging and diversification of the pension assets;

30) investment income - money received in the result of investment of the pension assets of the pension savings funds;

31) investment portfolio - complex of financial instruments that enter to the composition of pension assets;

32) bank-custodian - bank implementing the activity of fixation and accounting of the rights to the securities, keeping the documentary securities and accounting client's money;

33) custodian agreement - agreement of safekeeping and accounting the securities and

money that is concluded by the bank-custodian and its client;

34) State basic pension payment - monthly payment in cash granted to the citizens of the Republic of Kazakhstan upon reaching of pension age established by the Law;

35) obligatory pension contributions - in accordance with the Law the money contributed to the pension savings funds in order set by the legislation of the Republic of Kazakhstan;

36) agent for payment of obligatory pension contributions (hereinafter referred to as - agent) - individual or legal body, including foreign legal body implementing the activity in the Republic of Kazakhstan by permanent institution, as well as branches, representative offices of foreign legal bodies, that calculates, withholds (accrues) and transfers the obligatory pension contributions in order defined by the legislation of the Republic of Kazakhstan;

37) rate of obligatory pension contributions - amount of payment to the pension savings fund expressed in percentage to the income of depositor, that is accepted for calculation of pension contributions;

38) depositor of obligatory pension contributions - individual person concluding the agreement of pension benefits by means of obligatory pension contributions and having individual pension account in the pension savings fund;

39) impeccable business reputation - presence of facts, confirming professionalism, honesty, absence of valid or outstanding conviction;

40) central operating agency - State agency, which performs regulation in the field of the social protection of the population;

41) agencies appointing pension payments from the Center,- authorized government agencies;

42) prudential regulation - established by the legislation of the Republic of Kazakhstan economic requirements to ensure the financial stability of the pension fund, and to an investment management of pension assets;

43) insurance organization (underwriter) - legal agency, transacting business on the conclusion and execution of contracts of insurance in the "life insurance" on the basis of a license authorized agency;

44) the redemption sum - the sum of money which the insurer (recipient) has the right to receive from insurance company at early cancellation of the agreement of pension annuity;

45) authorized agency - the government agency which is carrying out regulation and supervision of the financial market and the financial organizations;

46) authorized agency (furthermore - Center) - Republican State public enterprise created according to the decision of the Government of the Republic of Kazakhstan;

47) affiliated persons - physical or legal bodies (except the government agencies which are carrying out control and supervising functions within powers conferred to them, and the national managing holding), having opportunity directly and (or) indirectly to define decisions and (or) influence the decisions of each other (one of the entities) solutions, including under the concluded deal. The presence of a national managing holding in the shareholders of the pension fund is not a basis for determining affiliated person with respect to each other .";

2) in Article 18:

the heading shall read as follows:

«Article 18. The State monopoly in the field of pension system»;

paragraph 1 shall be excluded;

in paragraph 2:

first paragraph to add with words "the types of activity relating to the State monopoly";



subparagraph 1) shall read as follows:

«1) organization and implementation of payment of pensions, allowances and other lump-sum payments in accordance with the legislation of the Republic of Kazakhstan;»

in subparagraph 1.1), the word «citizens» shall be excluded;

in subparagraph 3.4), the word «rejection» shall be replaced with "registration of rejections";

in subparagraph 5), the words «central executive authority which is providing for tax control over the fulfillment of tax obligations to the State» shall be replaced with words «authorized agency conducting control in sphere of ensuring payments of taxes and other obligatory payments to the budget»;

add subparagraphs 5-1) 5-2) 5-3) 5-4), 5-5) and 5-6) which shall read as follows:

5-1) formation of a model file for recipients of pensions, allowances for assignment of payment authority appointing pension payments from the Center;

5-2) formation of a centralized database and a personalized account of recipients of pensions, allowances and other payments;

5-3) translations of mandatory pension contributions from serving pension fund to another serving pension fund;

5-4) interaction with agents and serving pension funds on issues of recording, transferring, returning of compulsory pension contributions;

5-5) organization of measures to ensure operation efficiency of a unified information system of central executive agency;

5-6) to provide data services to individuals and juridical persons by type of activity of the Centre to meet the requirements of legislation of the Republic of Kazakhstan to secure retirement savings secrets;

subparagraph 6) to express as following release:

«6) other type of activity under the laws of the Republic of Kazakhstan.»;

add the paragraph 3 as following release:

«3. Prices for goods (works, services) produced and (or) sold by the subject of State monopoly shall be established by the Government of the Republic of Kazakhstan».

6. To the Law of the Republic of Kazakhstan dated June 30, 1998 «On Registration of Pledge of Movable Property" (Bulletin of the Parliament of the Republic of Kazakhstan, 1998, No. 13, Article 196, 2003, No. 11, Article 67, 2004, No. 23, Article 140, 2006, No. 23, p. 141, 2009, No. 19, Article 88; No. 24, Article 134, 2011, No. 3, Article 32, 2012, No. 8, Article 64)

1) Article 1 shall read as follows:

«Article 1. The basic concepts used in this Law

In this Law the following basic concepts are used:

1) movable property - vehicles, goods in circulation, securities, money, property rights, including rights for future products and other property not otherwise provided by the legislative laws of the Republic of Kazakhstan on real estate property;

2) registration of the pledge of movable property - procedure of registration by the authority and (or) the real estate center of the recording of pledge of movable property which is a set of actions of participants, arising during the registration of pledge of movable property, for inclusion into the register of movable property pledge of information contained in the pledge agreement or other agreement containing pledge terms (application for pledge registration), issuance of certificate of registration of movable property and other actions of registration authorities, and (or) real estate centers conducted in order set by this Law and other legislative acts of the Republic of Kazakhstan;

3) registration authorities of movable property pledge (registration authorities) - State agencies and legal bodies authorized by the legislative acts of the Republic of Kazakhstan to register certain types of movable property subject to State registration, and pledges of property;

4) registration certificate of movables pledge - a document issued by the registering authority and (or) the real estate centers to the applicant which proves the fact of registration of pledge of movable property;

5) Register of movable property pledge (pledge registry) - a system of information registration and saving carried out by the registration authorities and (or) the real estate centers in accordance with the order established by legislation of the Republic of Kazakhstan;

6) applicant - the person filing the application for pledge registration to the registering authority and (or) the center real estate; as applicant, as agreed by the parties of pledged commitments, can be both as pledge giver or pledge receiver;

7) registered pledge - a pledge of movable property, registered in the manner prescribed in this Law;

8) authorized company (hereinafter - the Real Estate Center) - Republican State public enterprise carrying out registration of pledges of movable property not subject to compulsory State registration of individuals and juridical persons»;

2) in Article 3:

in paragraph 1, to add with subparagraph 2-1) which shall read as follows:

«2-1) centers on real estate»;

paragraph 2, after the words "registration authorities" add the words "and (or) real estate centers ";

3) In Article 5:

the heading to read as following release:

«Article 5. The State monopoly in the field of registration of pledge of movable property not subject to mandatory State Registration»;

Paragraph 1 shall read as follows:

«1. Activities on registration of pledge of movable property not subject to compulsory State registration, rendering information services in the form of issuing an extract from the register of movable property mortgage, correction of errors in the registration documents made at fault of the applicant shall refer to the State monopoly and shall be conducted by Real Estate Centers;

add with paragraph 1.1 which shall read as follows:

«1-1. Pledge of movable property not subject to compulsory State registration must be registered:

1) at request of one of the parties to the contract of pledge or other agreement containing the terms of pledge;

2) if the pledge agreement or other contract containing terms of pledge the further pledging is prohibited (re-pledging) of property under pledge.»;

paragraph 3 shall read as follows:

«3. Real estate centers shall keep a registry for registered pledge of movable property which is not subject to compulsory State registration.»;

add with paragraph 5 which shall read as follows:

«5. Prices for goods (works, services) produced and (or) sold by subject of State monopoly shall be established by the Government of the Republic of Kazakhstan.»;

4) In Article 9:

paragraph 1, after "registering authority" to be added with words "and (or) the real estate center";

subparagraph 1) of the first part of paragraph 2 shall read as follows:

«1) name of the registration agency and (or) the real estate center»;

paragraph 3, after the words "registration authority" to be added with words "and (or) the real estate center";

5) Article 9-2 after "registration authority" to be added with words "and (or) the real estate center";

6) in Article 10:  
headline to add with words «and (or) real estate center »;

in the first subparagraph of paragraph 1, the word «shall» to be replaced with the words «and (or) the real estate center shall»;

in paragraph 3, the word «examine» to be replaced with the words «and (or) the center real estate examine»;

7) in Article 11:  
the first subparagraph of paragraph 1 shall read as follows:  
«1. The registration authority and (or) the real estate center shall refuse to register the pledge in the following cases:»;

in paragraph 2, the word «direct» to be replaced with the words «and (or) the real estate center shall direct»;

8) in Article 13:  
in paragraph 1:  
subparagraph 1), to be added with words «and (or) the real estate center»;

subparagraph 6) to be added with words «and (or) the real estate center »;

paragraph 2, to be added with words «and (or) the real estate center »;

in paragraph 3, the words «registration authority within two working days shall produce» to be replaced with words « registration authority and (or) the real estate center in respect of certificates issued by them within two business days shall produce»;

9) the second sentence of paragraph 2 of Article 14 after the words «registration authority» to be added with words «or real estate center»;

10) the first part of Article 16, to be added the words «and (or) the real estate center»;

11) in Article 17:  
subparagraph 2) of the first part of paragraph 2, to be added with words «or the real estate center»;

paragraph 3, after the words «registration authority» to be added with words «or the real estate center»;

12) In paragraph 2 of Article 18:  
in the first subparagraph the word «shall» to be replaced with the words «and (or) the real estate center shall»;

subparagraph 2), after words «registration authority» to be added with words «or the real estate center»;

13) Article 19, after words « registration authority » to be added with words « or the real estate center »;

14) in Article 21:  
in the first subparagraph of paragraph 1, the words «shall be liable in accordance with order established by the legislation» shall be replaced with the words «or the real estate center shall bear responsibility established by the laws of the Republic of Kazakhstan»;

the first sentence of paragraph 2, to be added with words «and (or) the real estate center».

7. To the Law of the Republic of Kazakhstan dated 11 February 1999 «On Plant Quarantine» (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 2-3, Article 34; No. 23, Paragraph 931, 2002, No. 4, Paragraph 30 , 2003, No. 15, Article 121, 2004, No. 23, Paragraph 142, 2006, No. 1, Paragraph 5; No. 3, Article 22, 2009, No. 18, Article 84, 85, 2010, No. 1-2, Article 1; No. 5, Paragraph 23; No. 15, Article 71, 2011, No. 1, Paragraph 2, 3; No. 6, Paragraph 49 ; No. 11, Paragraph 102; No. 12, Paragraph 111):

1) in paragraph 12) of Article 1, the words «public enterprise» to be replaced with «Republican State enterprise on the right of economic management»;

2) the second sentence of paragraph 3 of Article 7.1 shall be deleted;

3) article 2.7 shall read as follows:

«Article 7-2. The State monopoly in the field of quarantine of plants

1. Allocation and liquidation of outbreaks of quarantine objects shall belong to the State monopoly and shall be carried out by the Republican State enterprise to ensure the plant quarantine.

Activity on implementation of phytosanitary examination of regulated products is technologically related activity on localization and elimination of sites of spreading of quarantine objects.

2. Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan”.

8. To the Law of the Republic of Kazakhstan dated July 13, 1999 «On Protection of Selective Breeding Results » (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 19, Article 655, 2004, No. 17, Article 100, 2005, No. 21 - 22, Article 87, 2007, No. 5-6, Article 37, 2009, No. 24, Article 129, 2011, No. 1, Paragraph 7; No. 11, Article 102, 2012, No. 2, Paragraph 13, 16):

Articles 3-2 and 25 shall read as following:

«Article 2.3. The State monopoly in the field of protection of selection breeding results

1. Activity on receiving applications and conducting preliminary examination of applications for breeding results, examination of contracts for the assignment of a patent or the right to receive a patent for breeding results, licensing (sub-licensing) agreements, maintaining the State Register of breeding results, publication of information on breeding results, preparation for issuing protection documents, including changes in the application materials, protection document and State registers on protected plant varieties and animal breeds; giving extracts from the State register of breeding results; restoration of the missed terms of payment by the applicant up to six months from the date of expiry of the terms; issuance of certificates of the author, annexes, and their duplicates; maintaining in force, the extension of the protection document and publishing information on the issuance, maintaining in force, extension of validity terms of protection document and publication of information on issuance, maintenance, extension of the protection document; accepting applications for providing an open license; examination of additional agreements to the contracts, the publication of information on the registration of contracts; searching of patent documents ( by number or name); implementation and publication of printed and electronic publications; examination of mortgage agreement refers to the State monopoly and is performed by an expert organization, set up by the Government of the Republic of Kazakhstan in the legal form of the Republican State enterprise on the right of economic management.

2. The activities technologically related to the activities of the expert organization include:

- 1) producing a copy of the application materials;
- 2) submission of certificates, statistical information on protected documents for selection achievements;
- 3) settlement of accounts and confirmation of payments.

3. Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan.»;

«Article 25. Payment for legal actions

For issuance of patent, registration of contracts by authorized agency the State fee shall be collected in accordance with the tax legislation of the Republic of Kazakhstan.

The State Commission for Variety Testing of plants shall charge a fee for the examination of agricultural varieties for patentability in accordance with the legislation of the Republic of Kazakhstan.».

9. To the Law of the Republic of Kazakhstan dated July 16, 1999, «Patent Law of the Republic of Kazakhstan» (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 20, Article 718, 2004, No. 17, Article 100, 2005, No. 21 - 22, Article 87, 2007, No. 5-6, Article 37, 2009, No. 15-16, Article 75, 2011, No. 11, Article 102, 2012, No. 2, Article 13)

- 1) Article 1 shall be supplemented by subparagraphs 2-1) and 13) as follows:

“2-1) Eurasian application - an application filed in accordance with the Eurasian Patent Convention dated September 9, 1994”;

«13) international application - an application filed under the Patent Cooperation Treaty dated June 19, 1970.»;

- 2) Articles 4-1 and 35 shall be read as following edition:

«Article 4-1. The State monopoly in the field of inventions, utility models, industrial samples

1. Activity on receiving applications and the examination of applications for inventions, utility models and industrial designs, preparation of documents for the issuing of protection documents, the publication of issuing of the protection document, the implementation of tasks to support the protection document in force, the examination of contracts for the cession of protection documents and cession of rights to their receipt, licensing (sub-licensing) of contracts, management of the State Register of inventions, utility models, industrial designs, including the receipt of applications to the convention priority after the due date, translation of the international application into the national phase; formal examination, substantive examination in addition for each independent claim to more than one formula; the extension and restoration of the timing of examination requests and payment; conversion of the application for an invention or utility model, consideration of the application with the applicant, the extension of the deadline for submission of translation of application documents into Kazakh or Russian language, the extension of deadlines for the submission of required documents per each month up to twelve months from the date of expiry of the deadline, restoration of the term for submission of translation changes to the application materials; making changes into application materials, protection document, the State registers of inventions, utility models, industrial designs; making single-type changes; processing, checking and sending international and Eurasian applications; conducting an information search to determine the state of the art in order to assess the patentability of an invention, utility model and industrial design; issuance of a license, applications, and their duplicates, and maintaining in force, renewal, restoration of the term of the protection document and the publication of

information about maintaining in force, renewal or restoration of protection document; receiving an application for registration of examination contract for the provision of complex business license in respect of the group of industrial property rights, publication of the registration of contracts; examination of additional agreements, receiving applications for the open license, providing an extract from the State register of inventions, utility models and industrial design, search for patent documents (numbering or nominal); implementation and publication of printed and electronic publications; researching facilities of equipment and technology for patent cleanliness, investigation and analysis of trends in development of technical degrees; patent and legal analysis of the research; expertise of the movable property contract, refers to the State monopoly and is performed by an expert organization, set up by the Government of the Republic of Kazakhstan in the legal form of the Republican State enterprise on the right of economic operation.

2. The activities technologically related to the activities of the expert organization shall include:

1) producing a copy of the application (priority document), a copy of the application materials, copies of contradistinguishing documents, the presentation of statements, statistical data on protection documents;

2) settlement of accounts and confirmation of payments.

3. Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan”;

«Article 35. State fee

For issuance of protected documents, registration of contracts, certification of patent attorneys and issuance of certificate of registration of patent attorney by authorized agency the State fee shall be collected in accordance with the tax legislation of the Republic of Kazakhstan”.

10. To the Law of the Republic of Kazakhstan dated July 26, 1999 «On Trademarks, Service Marks and Appellations of Origin» (Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 21, paragraph 776, 2004, No. 17, paragraph 100; 2005, No. 21-22, Article 87, 2007, No. 5-6, Article 37, 2011, No. 11, Article 102, 2012, No. 2, Paragraph 13)

1) Article 1 shall be supplemented with subparagraph 4-1) as follows:

«4-1) The Madrid Agreement - Madrid Agreement Concerning the International Registration of Marks of April 14, 1891;»;

2) Articles 3-1 and 45 shall read as follows:

«Article 1.3. The State monopoly in the field of trademarks, service marks, names appellations of origin

1. Activity to receive and review applications for registration of trademarks, service marks and appellations of origin, the examination of contracts for the transfer of rights to trademarks, service marks, license (sub-licensing) agreements, maintaining public registers of protected trademarks, service marks and appellations of origin, preparation of licensing, including receipt of an application for registration of a collective mark; formal examination, amendments and corrections to the application materials, the selection of a trademark application in classes at the initiative of the applicant, the conversion of a trademark application in the collective mark and conversely, receiving the international application under the Madrid Agreement, preparation of the list of goods and services in accordance with the international classification of goods and services, shipment, processing of an application to amend the international application, examination of the application for each additional class

of more than three, urgent and accelerated implementation of full examination no earlier than six months from the date of the start of the full examination, consideration of objections to the decision of provisional refusal of registration, the extension of the deadline for objections to the decision of examination for each month extension request response for each month of the missed term recovery response to the request, payment, the objection by the applicant, the issuance of duplicate certificates, applications, and publication of information for extradition; amendment to the State registers of protected trademarks, service marks and appellations of origin of goods in the trademark certificate and the right to use the appellation of origin; extension the certificate for the right to use the appellation of origin, certificate of trademark and additionally for each class exceeding three; publication of information on the renewal, examination pledge agreement, the agreement on the provision of integrated business license, the agreement on assignment of the right to receive the certificate of trademark in for one or a group of objects of industrial property expertise of additional agreements and publication of data on registration of contracts, issuance of extracts from the register, certificates, conducting preliminary research referring to the database of trademarks and declaring the registration of designations in respect of specified classes of goods and services in the submission of the report; implementation and publication of printed and electronic publications, refers to the State monopoly and is an expert organization, set up by the Government of the Republic of Kazakhstan in the legal form of the Republican State enterprise on the right of business.

2. The activities technologically related to the activities of the expert organization include:

1) certification of copies of the application (priority document);

2) settlement of accounts and confirmation of payments.

3. Prices for goods (works, services) produced and (or) sold by subject of State monopoly shall be established by the Government of the Republic of Kazakhstan”;

“Article 45. State fee

For conducting actions by authorized agency on licensing, certification, registration, contracts, certification of patent attorneys and certificate of registration of patent attorney a State fee shall be collected in accordance with the tax legislation of the Republic of Kazakhstan”.

11. To the Law of the Republic of Kazakhstan dated November 30, 2000 «On Assessment Activity in the Republic of Kazakhstan» (Bulletin of the Parliament of the Republic of Kazakhstan, 2000, No. 20, Article 381, 2001, No. 24, Article 338, 2003, No. 3, Article 19; No. 10, Article 54, 2004, No. 23, Paragraph 142, 2007, No. 2, Paragraph 18, 2009, No. 23, Article 97, 2010, number 5, Article 23, 2011, No. 3, Article 32; No. 5, Paragraph 43; No. 6, Paragraph 49; No. 11, Article 102)

To add the Chapter 1 with Article 6.1 which shall read as follows:

«Article 6-1. The State monopoly in determining the value of taxable items

1. Activities to determine the value of taxable items (houses, country houses, unfinished construction, unheated extension buildings, economic (official) premises, ground floor, basement of dwelling, garage) shall belong to the State monopoly and shall be conducted by the Republican State enterprises established by the decision of the Government of the Republic of Kazakhstan in accordance with the laws of the Republic of Kazakhstan.

2. Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan”.

12. To the Law of the Republic of Kazakhstan dated June 29, 2001 "On Legal Protection of Integrated Circuit Topographies" (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 13-14, Art. 181; 2004, № 17, Art. 100; № 23, Art. 142; 2005, № 21-22, Art. 87; 2011, № 11, art. 102; 2012, № 2, Art. 13):

Article 1 shall be amended as follows:

"Article 1. Basic definitions used in this Law

The following basic definitions are used this Law:

1) Bulletin - official serial publication concerning Protection of integrated circuit topographies;

2) Integrated circuit - a microelectronic product of finished or prefinished form, for performing functions of an electronic circuit with elements and connections formed integrally in the volume and (or) at the material surface upon which the product is made;

3) Integrated Circuit Topographies (hereinafter - the Topography) - the spatial and geometrical layout of set of elements of the integrated microcircuit and their connections fixed on the material carrier and connections;

4) Copyright holder - author, his successor, and any private or juridical person who has the exclusive right obtained under the law or agreement;

5) License Agreement - an agreement under which the right holder (the licensor) grants to another party (the licensee) the right to temporarily use of the Topography in a certain way;

6) Patent agents - citizens of the Republic of Kazakhstan, who, in accordance with the laws of the Republic of Kazakhstan, have the right to represent private and juridical persons before the competent authority;

7) Exclusive Right for Topography - the property right of the holder to use the Topography by any manner of means at its own convenience;

8) Use of Topography - use, import, offer for sale, sale or any other form of Topography, integrated microcircuit with this Topography or unit containing such an integrated microcircuit, into civil circulation performed for commercial purposes, unless the Law provides otherwise;

9) Competent Authority - the central executive body managing within its authorities control in the field of legal protection of Topographies of Integrated microcircuits."

13. To the Law of the Republic of Kazakhstan dated July 16, 2001 "On Architectural, Town-Planning And Construction Activities in the Republic of Kazakhstan" (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, № 17-18, Art. 243; 2004, № 23, Art. 142; 2005, № 6, Art. 10; № 7-8, Art. 19; 2006, № 1, Art. 5; № 3, Art. 22; № 15, Art. 95; № 23, Art. 144; № 24, Art. 148, 2007; № 1, Art. 4; № 2, Art. 18; №



16, Art. 129; 2008, № 21, Art. 97; № 24, Art. 129; 2009, № 15-16, Art. 76; № 18, Art. 84; 2010, № 5, Art. 23; 2011, № 1, Art. 2; № 6, Art. 50; № 11, Art. 102; № 12, Art. 111; 2012, № 3, Art. 21, 27; № 4, Art. 32; № 8, Art. 64):

1) in subparagraph 15) of Article 1, the words “legal person authorized by the Government of the Republic of Kazakhstan” shall be substituted with words “Republican State Enterprise on the right of operational control established by the Decision of the Government of the Republic of Kazakhstan”;

2) subsection 15-2) of Article 19 shall be deleted;

3) in Article 64:

the second part of paragraph 1 shall be amended as follows:

“Activity on conducting State expertise of projects (pre-project and design estimate documentation) refers to the State monopoly and is performed by Republican State enterprise on the right of operational control established by the Decision of the Government of the Republic of Kazakhstan.”;

the second part of paragraph 11 shall be amended as follows:

“Prices for goods (works, services) produced and (or) realized by the State monopoly shall be established by the Government of the Republic of Kazakhstan.”.

14. To the Law of the Republic of Kazakhstan dated January 17, 2002 "On the Merchant Shipping" (Bulletin of the Parliament of the Republic of Kazakhstan, 2002, № 2, Art. 16; 2004, № 20, Art. 116; № 23, Art. 142; 2005, № 11, Art. 36; 2006, № 3, Art. 22; № 24, Art. 148; 2007, № 9, Art. 67; № 18, Art. 143; 2009, № 24, Art. 134; 2010, № 5, Art. 23; № 24, Art. 146; 2011, № 1, Art. 2, 3; № 5, Art. 43; № 6, Art. 50; № 12, Art. 111; 2012, № 8, Art. 64):

in paragraph 25-1) of Article 1, the words “State” shall be substituted with words “Republican State enterprise created by the decision of the Government of the Republic of Kazakhstan.”

15. To the Law of the Republic of Kazakhstan dated July 3, 2002 “On Protection of Plants” (Bulletin of the Parliament of the Republic of Kazakhstan, 2002, № 13-14, Art. 140; 2004, № 17, Art. 98; № 23, Art. 142; 2006, № 1, Art. 5; № 3, Art. 22; № 24, Art. 148; 2007, № 2, Art. 18; 2009, № 18, Art. 84, 85; 2010, № 5, Art. 23; № 15, Art. 71; 2011, № 1, Art. 2, 7; № 11, Art. 102; № 12, Art. 111):

paragraph 2 of Article 10 shall be deleted.

16. To the Law of the Republic of Kazakhstan dated 10 July 2002 "On Veterinary" (Bulletin of the Parliament of the Republic of Kazakhstan, 2002, № 15, Art. 148; 2004, № 23, Art. 142; 2005, № 7-8, Art. 23; 2006, № 1, Art. 5; № 3, Art. 22; № 24, Art. 148; 2007, № 2, Art. 18; № 20, Art. 152; 2008, № 24, Art. 129; 2009, № 18, Art. 84, 86; 2010, № 1-2, Art. 1; № 15, Art. 71; 2011, № 1, Art. 2, 3, 7; № 6, Art. 49; № 11, Art. 102; № 12, Art. 111; 2012, № 2, Art. 16; № 8, Art. 64):

1) Sub-paragraph 2) of Article 4 shall be deleted;

2) Article 11 shall be added with paragraph 1-1 as follows:

“1-1. Prices for goods (works, services) produced and (or) realized by the State monopoly shall be established by the Government of the Republic of Kazakhstan.”;

3) in subparagraph 4) of paragraph 1 of Article 14-1, the words “classified as a State monopoly” shall be substituted with words "Under this Law".

17. To the Law of the Republic of Kazakhstan dated January 7, 2003 “On Electronic Document and Digital Signature” (Bulletin of the Parliament of the Republic of Kazakhstan, 2003, № 1-2, Art. 1; 2004, № 23, Art. 142; 2009, № 11-12, Art. 53; № 18, Art. 84; 2010, № 5, Art. 23; № 17-18, Art. 111; 2011, № 1, Art. 2; № 12, Art. 111; № 15, Art. 118; 2012, № 8, Art. 64):

1) in Article 1:

subparagraphs 3), 4) and 5) shall be deleted;

shall be added with subparagraph 6-1) as follows:

“6-1) State Technical Service - is the Republican State Enterprise on the basis of the right of economic management created by the Decision of Government of the Republic of Kazakhstan;”

2) Article 4 shall be added with subparagraphs 4-1) and 4-2) as follows:

“4-1) shall approve rules for issuing, storing, withdrawal of registration certificates and confirmation of validity of public key of digital signatures by Root Certification Authority of the Republic of Kazakhstan, Certification Center of State Authority and National Certification Authority of the Republic of Kazakhstan;

4-2) approve rules of authentication of foreign digital signature by authorized third party of the Republic of Kazakhstan; “

3) Article 5:

subparagraph 8) shall be amended as follows:

“8) shall develop rules for issuing, storing, withdrawal of registration certificates and confirmation of appurtenance and public key validity of digital signatures by Root Certification Authority of the Republic of Kazakhstan, Certification Center of State Authority and National Certification Authority of the Republic of Kazakhstan;”

shall be added with subparagraph 8-1) as follows:

“8-1) shall develop rules of authentication of foreign digital signature by authorized third party of the Republic of Kazakhstan;”

subparagraph 9) shall be deleted;

4) shall be added with Article 20-1 as follows:

“Article 20-1. State monopoly in the field of electronic documents and digital signature

1. State technical service shall perform the following activities related to the State monopoly in the field of electronic documents and digital signatures:

1) a trustee of third party of the Republic of Kazakhstan, performing authentication of foreign digital signatures;

2) Root Certification Authority of the Republic of Kazakhstan, performing confirmation of appurtenance and validity of public key of digital signature of Certification Centers;

3) National Certification Authority of the Republic of Kazakhstan, serving members of the “electronic government” of public and private information systems;

4) Certification Center of State authorities of the Republic of Kazakhstan, serving members of Unified System of Electronic Document of State authorities of the Republic of Kazakhstan.

2. Prices for goods (works, services) produced and (or) realized by the State monopoly established by the Government of the Republic of Kazakhstan.”.

18. To the Law of the Republic of Kazakhstan dated April 25, 2003 "On Compulsory Social Insurance" (Bulletin of the Parliament of the Republic of Kazakhstan, 2003, № 9, Art. 41; 2004, № 23, Art. 140, 142; 2006, № 23, Art. 141; 2007, № 3, Art. 20; № 20, Art. 152; № 24, Art. 178; 2008, № 23, Art. 114; 2009, № 9-10 , Art. 50; 2010, № 5, Art. 23; № 7, Art. 28; 2011, № 6, Art. 49; № 11, Art. 102; № 14, Art. 117; 2012, № 2, Art. 14; № 3, Art. 26; № 4, Art. 32; № 8, Art. 64):

1) Article 1 shall be amended as follows:

“Article 1. Basic definitions used in this Law

In this Law shall be used the following definitions:

1) Supporter – is a person supporting the incapable members of the family, dependent on it, at own expense;

2) The ratio of dependents – coefficient which takes into account the number of members of the family of the decedent supporter (approved by the court as missing or declared dead), dependent on it;

3) Social security contributions - established by this Act regulatory charges, paid to the State Social Insurance Fund entitling the party to the compulsory social insurance, for whom social contributions were made, and in the case of the decedent supporter by members of it family, dependent on it, to receive social benefits under this Act;

4) Object of the calculation of social contributions – is the cost of the employer paid to the worker in the form of income for work performed, services rendered. The object for the calculation of social security contributions of self-employed persons are income earned;

5) The authorized organization on record of contributions and social benefits (hereinafter - the Center) - Republican State Enterprise established by the decision of the Government of the Republic of Kazakhstan, which has subdivisions in the regions (hereinafter - the Structural Units);

6) Payer of social security contributions (hereinafter - the payer) - the employer or self-employed person performing the calculation and payment of social security contributions to the National Social Security Fund in the manner provided by this Act;

7) Rate of social contributions - a fixed amount of regulatory charges to the State Social Insurance Fund, expressed as a percentage of the value of the object calculus of social security contributions;

8) Social risk - the occurrence of an event entailing the loss of earning capacity and (or) loss of job, loss of supporter, as well as loss of income due to pregnancy and childbirth, adoption of a newborn child (children) and the care of the child until his/her reaching the age of one, as a result of which the party of system of compulsory social insurance, for whom social contributions were made, or in the case of his/her death, dependant family members obtain the right to receive benefits in accordance with this Law;

9) Welfare payments - are monthly payments made by the State Social Insurance Fund in favor of the beneficiaries of social benefits;

10) Authorized body for purposes of social benefits - the central executive body in the field of social protection of the population and its subdivisions;

11) Recipient of social benefits (hereinafter - the Recipient) - a private person for whom or who paid payroll taxes to the State Social Insurance Fund in respect of whom the authorized body for purposes of social benefits made a decision on the appointment of social benefits, and in the case of death of the person who is a part of system of compulsory social insurance, for whom social contributions were made - members of the family of the deceased (recognized by the court as missing or declared dead) supporter, dependent on it;

12) Disability - loss of the ability of the employee to perform work, to provide services, the extent of which is expressed as a percentage of incapacity;

13) Rate of Disability - the factor which is determined by the degree of disability of participants of compulsory social insurance, for whom social contributions were made;

14) Rate of part-time participation - a factor which is determined depending on the length of participation (total time in a calendar year) in the system of compulsory social insurance;

15) State Social Insurance Fund (hereinafter - the Fund) - a juridical person conducting the collection of social security contributions and payments to the participants of compulsory social insurance, in respect of which become the social risk case appeared, including family members- dependents in case of death of supporter - the participant of system of compulsory social insurance;

16) Assets of the State Social Insurance Fund - payroll taxes, penalties received for late payment of social contributions, investment income and other payment to the State Social Insurance Fund provided by the Legislation of the Republic of Kazakhstan, minus commission for maintenance of the State Social Insurance Fund, funds allocated to social benefits and returns mistakenly credited or paid in excess of funds;

17) compulsory social insurance - a set of measures, organized, controlled and guaranteed by the State to refund part of income due to disability and (or) loss of a job, as well as the loss of a supporter, loss of income due to pregnancy and childbirth, adoption of newborn child (children), and child care until the age of one year;

18) System of compulsory social insurance - a set of norms and regulations established and guaranteed by the State, regulating the relations between the participants of the compulsory social insurance;

19) Participants of compulsory social insurance - the payer, member of the system of compulsory social insurance, for whom social contributions were made, the recipient, Center, Fund, Government of the Republic of Kazakhstan, the National Bank of the Republic of Kazakhstan, other authorized bodies;

20) Member of compulsory social insurance, for whom social contributions were made - private entity, for whom payroll taxes are paid and who is entitled to benefits upon the occurrence of cases of social risk provided in this Act;

21) Self-employed person (for the purpose of this Act) - individual entrepreneur, private notary, private bailiff, a lawyer, self-employed persons securing themselves an income.

Self-employed persons in respect of peasants or farmers who use a special tax regime, recognized as individual entrepreneurs are- the head and the adult members of the farm from the beginning of the calendar year following the year they reached the age of adult;

22) Rate of income replacement - the factor which determines the ratio of social benefits to the amount of income taken as the basis for calculating social security contributions;

23) Authorized body - State body providing regulating, controlling and supervisory functions of the activity of Fund.”;

2) shall be added with Article 10-1 as follows:

“Article 10-1. State Monopoly in the field of Compulsory

#### Social Insurance

1. The center and its structural units shall perform the following activities relating to the State monopoly:

1) Keeping of person-specific records and formation of a centralized database of compulsory social contributions and social benefits of participants of compulsory social insurance;

2) Organization of social payments from the Fund;

3) Interaction with the authorized body on appointing of social benefits, on the reception of documents, forming layouts Affairs for the appointment, re-calculations of social payments from the Fund;

4) Provision of information services to the participants of compulsory social insurance in accordance with the views of the Centre with and requirements of the Legislation of the Republic of Kazakhstan to ensure the confidentiality of information on the status and flow of social contributions and social benefits;

5) Implementation of the transfers of compulsory social contributions from contributors to the Fund, the returns to payers excess (wrongly) amounts paid social security contributions and penalty thereon;

6) Submission to the authority body, presiding in the field of taxes and other obligatory payments to the budget, the registry of received and returned social contributions of the payers.

2. The center and its structures units shall interact with the Fund for accounting, transfer, refunds of social contributions.

3. “Prices for goods (works, services) produced and (or) realized by the State monopoly shall be established by the Government of the Republic of Kazakhstan.”.

19. To the Law of the Republic of Kazakhstan dated July 5, 2004 "On Communications" (Bulletin of the Parliament of the Republic of Kazakhstan, 2004, № 14, Art. 81; 2006, №

3, Art. 22; № 15, Art. 95; № 24, Art. 148; 2007, № 2, Art. 18; № 3, Art. 20; № 19, Art. 148; 2008, № 20, Art. 89; № 24, Art. 129; 2009, № 15-16, Art. 74; № 18, Art. 84; № 24, Art. 121; 2010, № 5, Art. 23; № 24, Art. 146, 150; 2011, № 1, Art. 2; № 11, Art. 102; № 12, Art. 111; 2012, № 3, Art. 25; № 8, Art. 63, 64):

1) Article 2 shall be added with subparagraph 40-1) as follows:

“40-1) State Technical Service - is Republican State Enterprise on the basis of the right of economic management created by the Decision of Government of the Republic of Kazakhstan;”

2) shall be added with Article 9-1 as follows:

“Article 9-1. The State monopoly in telecommunications

1. State technical service shall perform the following activities related to the State monopoly in telecommunications:

1) Logistics of monitoring the radio spectrum and radio-electronic means, including measurement of the radio signals, detection of side electromagnetic radiation of electronic equipment, and technical support work to identify radio-electronic and high-frequency devices operating in breach of the Laws of the Republic of Kazakhstan in the field of communication;

2) Technical support keeping the registry (the database) and electronic means of radio frequency assignments;

3) Calculation of the electromagnetic compatibility of radio electronic means;

4) Technical support of the events on international coordination of orbital-frequency resource of the Republic of Kazakhstan in the International Telecommunication Union;

5) Technical support for centralized management of telecommunications networks of the Republic of Kazakhstan.

2. “Prices for goods (works, services) produced and (or) realized by entity of State monopoly established by the Government of the Republic of Kazakhstan.”.

20. To the Law of the Republic of Kazakhstan dated July 6, 2004 "On inland water transport" (Gazette of the Parliament of the Republic of Kazakhstan, 2004, № 15, Art. 88; 2006, № 3, Art. 22; № 23, Art. 141; № 24, Art. 148; 2007, № 9, Art. 67; № 18, Art. 143; № 20, Art. 152; 2009, № 18, Art. 84; 2010, № 5, Art. 23; № 24, Art. 146; 2011, № 1, Art. 2, 3; № 5, Art. 43; № 6, Art. 50; № 11, Art. 102; № 12, Art. 111):

1) in paragraph 17) of Article 1:

the words “State” shall be substituted with words “created by the decision of the Government of the Republic of Kazakhstan Republican State Public.”

the words “inland waterway vessels and “river-sea” ships” shall be deleted;

2) in subparagraph 11) of paragraph 1 of Article 9, the words “, ports, shore facilities, shipping waterworks” shall be deleted;

3) in Article 16:

paragraph 1 shall be deleted;

in paragraph 2:

In the first indent, the words “and technical supervision” shall be substituted with words “technical supervision and inspection;”

subparagraph 3) shall be added with the words “or more”;

in paragraph 3:

the first part shall be amended as follows:

“3. Register of Shipping for the technical safety of ships performs survey of ships free of charge. ”;

in the second part, the word “, monitoring the repair of ships, their construction and modernization” shall be deleted.

21. To the Law of the Republic of Kazakhstan dated 9 November 2004 “On technical regulations” (Gazette of Parliament of the Republic of Kazakhstan, 2004, № 21, Art. 124; 2006 r., № 3, Art. 22; № 15, Art. 92; № 24, Art. 148; 2008 r., № 15-16, Art. 60; 2009 r., № 17, Art. 80; № 18, Art. 84; 2010 r., № 5, Art. 23; 2011 r., № 1, Art. 2; № 2, Art. 26; № 11, Art. 102; 2012 r., № 5, Art. 41):

paragraph 1 of Article 26 shall be revised as follows:

«1. The subjects of confirmation of compliance are products (except medical products, medical devices and medical equipment), processes.».

22. To the Law of the Republic of Kazakhstan dated 11 January 2007 “On informatization” (Gazette of Parliament of the Republic of Kazakhstan, 2007, № 2, Art. 13; 2009 r., № 15-16, Art. 74; № 18, Art. 84; 2010 r., № 5, Art. 23; № 17-18, Art. 111; 2011 r., № 1, Art. 2; № 11, Art. 102; № 15, Art. 118; 2012 r., № 2, Art. 13; № 8, Art. 64):

1) along the whole text the words “authorized organization for informatization” to be replaced respectively by words “State technical service”;

2) to Article 1:

paragraph 3) to exclude;

in subparagraph 4) words “national operator in the sphere of informatization” or “National operator in sphere of informatization” (further – national operator) to replace by words “operator in sphere of informatization”;

add with subparagraph 10-1) of the following content:

«10-1) system of monitoring of informational-communication networks – complex of organizational and technical measures aimed at aiding owners, holders and users of informational systems, informational-communication networks and electronic information resources on issues of safe use of informational-communication technologies including response to computer incidents;»;

add with subparagraph 28-1) of the following content:

«28-1) State Technical Service - Republican State Enterprise on the Right of

Economic Management formed by decision of the Government of the Republic of Kazakhstan;»;

3) to Article 5:

in subparagraph 9) the word "national" to be excluded;

subparagraph 16) to be excluded;

4) in the title and subparagraph first of Article 9 the words "national operator" or "National operator" to be replaced correspondingly by words "operator in sphere of informatization", "Operator in sphere of informatization";

5) Article 9-1 shall be revised as follows:

«Article 9-1. State monopoly in the sphere of informatization

1. State technical service shall conduct the following types of activity related to the State monopoly:

1) certifying examination of information systems for compliance with information security requirements and standards accepted in the Republic of Kazakhstan;

2) monitoring to ensure protection of electronic information resources, information systems, information - communication networks of state bodies and non-state systems integrated with State information systems;

3) testing of software products, program codes and examination of normative and technical documentation of State information systems;

4) examination of investment projects aimed at creation, introduction and development of information systems of State agencies for compliance with information security requirements;

5) technical support of single access gateway to the Internet and unified e-mail gateway for State bodies of the Republic of Kazakhstan;

6) maintenance of State registry of electronic information resources, information systems and depository of information systems, software products, program codes and technical documentation;

7) organizational and technical support for monitoring system of information and communication networks;

8) monitoring of fault-tolerance of domain name servers serving the Kazakhstani top level domain name;

9) support of addressing plans and numbering of information and communications networks of communication operators that operate on the territory of the Republic of Kazakhstan.

2. Prices for goods (works, services) produced and (or) sold by entity of State monopoly shall be established by the Government of the Republic of Kazakhstan. ";

6) in the text of Article 28 and subparagraph 2) of paragraph 1 of Article 42 of the words "national operator" or "national operator of information system" to be replaced by words " operator in the field of informatization".

23. To the Law of the Republic of Kazakhstan dated July 26, 2007 "On State Registration of Rights to Real Estate" (Bulletin of the Parliament of the Republic of Kazakhstan, 2007, № 18, Art. 142, 2008, № 23, Art. 114; № 24, Art. 126, 2009, № 2-3, Art. 16; № 8, Art. 41; № 19, Art. 88, 2010, № 7, Art. 28, 2011, № 3, Art. 32; № 5, Art. 43; № 6, Art. 50; № 15, Art. 118; № 16, Art. 129, 2012, № 8, Art. 64)

1) in Article 18:

heading to read as follows:

"Article 18. State Monopoly in the Field of  
State Technical Inspection of Buildings,  
Structures and (or) Their Components ";



paragraph 2 shall read as follows:

"2. Activities on State technical inspection of buildings, structures, and (or) their constituents refers to the State monopoly and shall be conducted by the Republican State enterprises established by the decision of the Government of the Republic of Kazakhstan, at the location of the immovable property. ";

to add with Section 5 which read:

5. "Prices for goods (works, services) produced and (or) sold by entity of State monopoly established by the Government of the Republic of Kazakhstan. ";

2) Article 19 shall be deleted.

24. To the Law of the Republic of Kazakhstan dated July 5, 2008 "On accreditation in the sphere of conformity assessment" (Bulletin of the Parliament of the Republic of Kazakhstan, 2008, № 15-16, Art. 59, 2009, № 15-16, Art. 74; № 18, Art. 84, 2010, № 5, Art. 23, 2011, № 1, Art. 2; № 11, Art. 102)

1) Subparagraph 4) of Article 1 shall read as follows:

"4) accreditation body - a legal entity determined on a competitive basis which is conducting activities on accreditation and which is a member of international organizations for accreditation;"

2) in Article 5:

subparagraph 2) shall read as follows:

"2) adoption of the rules of conducting tenders to select an accreditation body and qualification requirements for the accreditation body;"

add with subparagraph 2-1) which shall read as follows:

"2-1) determining of accreditation body in accordance with the rules specified in subparagraph 2) of this Article;"

3) in Article 6:

add with subparagraphs 1-1) and 1-2) which shall read as follows:

"1-1) develops rules for conducting tender to select an accreditation body and the qualification requirements for the accreditation body;

1-2) shall organize and conduct tenders for selection of accreditation body; "

subparagraph 2) shall read as follows:

"2) submit a proposal to the Government of the Republic of Kazakhstan to deprive accreditation body of its status;"

4) paragraph 1 of Article 7 shall be deleted.

25. To the Law of the Republic of Kazakhstan dated December 25, 2008 "On Competition" (Bulletin of the Parliament of the Republic of Kazakhstan, 2008, № 24, Art. 125, 2009, № 15-16, Art. 74, 2010, № 5, Art. 23, 2011, № 6, Art. 50; № 11, Art. 102; № 12, Art. 111):

1) Article 6 shall read as follows:

"Article 6. The basic concepts used in this Law

In this Law the following definitions are used:

1) affiliated persons of juridical persons with more than fifty percent of shares (stock) owned by the State - juridical persons with more than fifty percent of the shares (stock) directly or indirectly owned by juridical persons, more than fifty percent of shares (shares) of which are owned by the State. Indirect ownership means the ownership of each subsequent affiliated person of more than fifty percent of the shares (shares) of other juridical person;

2) competition - the competitiveness of the market participants in which their independent actions effectively limit the ability of each of them to unilaterally influence the general conditions in the relevant market;

3) interchangeable goods - a group of products that are comparable in terms of their functional purpose, application, quality and technical characteristics and prices, as well as other parameters in such a way that the user replaces them with each other in the process of consumption (production);

4) a State monopoly - the exclusive right of the State to manufacture, sell and buy any product in a competitive market, administered in the manner provided in this Law;

5) monopolistic activity - activity of a market participant, position of which allows to monitor the relevant product market, including allowing significantly influence on the general conditions in the relevant market;

6) anti-monopoly authority - the State body performing management in sphere of competition protection and restriction of monopolistic activity;

7) monopolistic position - position of entities of natural monopolies, State monopolies as well as market entities having one hundred percent of share on the relevant market;

8) monopolistic income - income received by a market participant as a result of monopolistic activity limited by this Law;

9) market entity- an individual and (or) juridical person of the Republic of Kazakhstan, as well as foreign juridical person (its branch and representative office) conducting business activity;

10) regulated markets - goods markets where the State regulation of prices is introduced in accordance with the laws of the Republic of Kazakhstan;

11) regulatory body - body authorized to carry out State regulation of prices for regulated markets;

12) seller (supplier) - an individual or juridical person that sells (supplies) goods;

13) goods - goods, works and services that are subject of civil commerce;

14) goods market - sphere of circulation of goods or interchangeable goods, determined on the basis of economic, territorial and technological possibility for a consumer to purchase goods;

15) investigation - measures of the anti-monopoly authority aimed at identifying the facts supporting the violation of this Law, their registration and taking appropriate solutions;

16) consumer - an individual or legal person who acquires the goods for own use;

17) National Register of market members that hold dominant or monopolistic position (hereinafter - the Register), - list of market participants holding dominant or monopolistic position in the relevant market except for the markets that are in the state of natural or State monopoly. ";

2) in Article 32:

paragraph 2 shall read as follows:

"2. Exercise of the exclusive right is maintained by creating an entity of State monopoly. Entity of the State monopoly can be only a State enterprise, established by the Government of the Republic of Kazakhstan or by local executive bodies of Oblasts, cities of republican status, capital by the decision of the Government of the Republic of Kazakhstan. ";

add paragraph 1.2 which shall read as follows:

"2-1. Pricing rules for goods produced and sold by the State monopoly, shall be developed by anti-monopoly authority jointly with the State body in charge of inter-sectoral and inter-regional coordination of development of the main directions of the State social - economic policy, and shall be approved by the Government of the Republic of Kazakhstan. ";

part first of paragraph 3 to be added by subparagraph 4) which shall read as follows:

"4) to set prices of manufactured or sold goods by it that differ from the prices set by the Government of the Republic of Kazakhstan.";

add with paragraph 4.1 which shall read as follows:

"4-1. Monitoring the State monopoly entities observe the restrictions imposed by paragraph 3 of this Article, shall be conducted by authorized body responsible for supervision and regulation of activity related to sphere of the State monopoly, in the order established by the Law of the Republic of Kazakhstan "On State Control and Supervision of the Republic of Kazakhstan."

26. To the Law of the Republic of Kazakhstan dated March 19, 2010 "On State Statistics" (Bulletin of the Parliament of the Republic of Kazakhstan, 2010, № 5, Art. 22; № 15, Art. 71, 2011, № 11, Art. 102)

add with Article 23.1 which shall read as follows:

"Article 23-1. State monopoly in the field of  
State Statistics

1. State monopoly in the field of statistics includes the following activities:

1) collection, processing of primary statistical data provided by the local agencies for statistics and respondents obtained during national statistical surveys and national censuses, and their storage in electronic form;

2) formation, maintenance and updating of the information-statistics systems, databases and platforms, registers of Statistics, web site of authorized body;

3) formation of statistical publications and dissemination of official statistical information subject to distribution by the authorized body in accordance with the timetable of distribution of statistical information;

4) the formation of statistical information, not the scheduled dissemination of official statistical information.

2. Types of activities referred to in paragraph 1 of this Article shall be carried out by the Republican State enterprise on the right of commercial management established by decision of the Government of the Republic of Kazakhstan.

3. Prices for goods (works, services) produced and (or) sold by entity of State monopoly shall be established by the Government of the Republic of Kazakhstan. ".

27. To the Law of the Republic of Kazakhstan dated July 15, 2010 "On use of the airspace of the Republic of Kazakhstan and aviation activity" (Bulletin of the Parliament of the Republic of Kazakhstan, 2010, № 17-18, Art. 113, 2011, № 1, Art. 2; number 5, Art. 43; № 11, Art. 102, 2012, № 8, Art. 64)

in Article 16:

in paragraph 3:

in the third part the words "work on examination of documentation and inspection" shall be changed to "conducting examination of documentation and inspection";

the fourth and fifth part shall read as follows:

"Preparation and issuance of preliminary conclusion for certification examination shall be conducted by the Republican State Enterprise on the right of commercial management formed by decision of the Government of the Republic of Kazakhstan.

Activities of this Republican State Enterprise on preparation and issuance of conclusion shall relate to the State monopoly and shall be implemented on a commercial basis under the contract concluded between the named Republican State Enterprise and an applicant. ";

in paragraph 4, the words "Organization, administered by the authorized body in the field of civil aviation" to be substituted with words "Republican State Enterprise indicated in the fourth part of paragraph 3 of this Article";

Paragraph 5 shall read as follows:

"5. Prices for goods (works, services) produced and (or) sold by the State monopoly shall be established by the Government of the Republic of Kazakhstan. ".

28. To the Law of the Republic of Kazakhstan dated January 6, 2011 "On State Control and Supervision in the Republic of Kazakhstan" (Bulletin of the Parliament of the Republic of Kazakhstan, 2011, № 1, Art. 1; № 2, Art. 26; № 11, Art. 102; number 15, Art. 120, 2012, № 1, Art. 5; № 2, Art. 9, 14; № 3, Art. 21, 25, 27; № 8, Art. 64)

subparagraph 14) of paragraph 3 of Article 12 to be added with words "carried out by anti-monopoly authority".

29. To the Law of the Republic of Kazakhstan dated March 1, 2011 "On State Property" (Bulletin of the Parliament of the Republic of Kazakhstan, 2011, № 5, Art. 42; № 15, Art. 118; № 16, Art. 129; № 17, Art. 136; № 24, Art. 196, 2012, № 2, Art. 11, 16; № 4, Art. 30, 32; № 5, Art. 41; № 6, Art. 43; № 8, Art. 64)

1) Article 11 to be added with subparagraph 9-1) which shall read as follows:

"9-1) shall approve the pricing rules for goods (works, services) produced and sold by entity of State monopoly;"

2) in paragraph 3 of Article 133:

in the first part the words "referred to in subparagraphs 1) and 3)" shall be replaced with words "referred to in subparagraph 1)";

to be added with the second part which shall read as follows:

"In the cases referred to in subparagraph 3) of paragraph 2 of this Article, State Enterprises shall be created by the Government of the Republic of Kazakhstan or local executive bodies of Oblasts, cities of Republican status, capital by decision of the Government of the Republic of Kazakhstan.";

3) in Article 134:

in paragraph 2:

subparagraph 1) after the word "wastes" to add with words ", creation and operation of landfills";

subparagraph 8) after the word "conduct" to add with words "land survey works for";

subparagraph 10) to read as follows:

"10) plant protection and quarantine, phytosanitary examination of quarantined products;"

subparagraph 19) and 20) shall be deleted;

in paragraph 3:

to add with subparagraph 3-1) which shall read as follows:

"3-1) postgraduate education, if they are educational organizations under the President of the Republic of Kazakhstan;"

subparagraph 4) after the word "population," to add with words " except for activities carried out by authorized body in accordance with the Law of the Republic of Kazakhstan "On pensions in the Republic of Kazakhstan",";

subparagraph 9) shall be deleted;

to add with subparagraph 10) which shall read as follows:

"10) classification and provision of technical safety of ships. '.

## **Article 2.**

1. This Law shall enter into force from the day of its official publication.

2. To declare the fifth paragraph of subparagraph 1) of paragraph 5 of Article 1 of this Law void from January 1, 2013.

*President*

*of the Republic of Kazakhstan*

*Nursultan Nazarbayev*

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