

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

CONCERNING LICENSING

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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 (Articles: 10, 11, 37 repealed, 42, 45).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.*

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;

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;

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

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;

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;

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;

Article 22. Licensing of Activities in the Sphere of Informatisation 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 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

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

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 III, IV and V technical categories, as well as the traffic ways of not main streets of inhabited areas;

beddings and pavements of runways of airdromes and helipads;

assembling of technological equipment; start-up and adjustment operations associated with:

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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

*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

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

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 Ju

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