

## On approval of the Model regulation on expert councils on entrepreneurship

### *Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated December 28, 2015 № 1090. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/17/2023 No. 603.

### *Unofficial translation*

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/17/2023 No. 603 (effective after ten calendar days after the date of its first official publication).

Footnote. The title - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 11.04.2022 No. 207 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Shall come into effect from January 1, 2016.

In accordance with paragraph 9 of Article 64, subparagraph 23) of paragraph 1 of Article 98 of the Entrepreneur Code of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan **RESOLVES:**

Footnote. The preamble as amended by Resolution of the Government of the Republic of Kazakhstan No. 799 dated 30.11.2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).

1. Approve the attached Model regulation on expert councils on entrepreneurship.

Footnote. Paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 11.04.2022 No. 207 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

2. To recognize as invalid some decisions of the Government of the Republic of Kazakhstan in accordance with the Annex to this Resolution.

3. This Resolution shall come into effect from January 1, 2016 and shall be subject to official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. Massimov*

Approved by Resolution of the  
Government of the  
Republic of Kazakhstan  
No.1090 dated  
December 28, 2015

**Model regulation on expert councils on entrepreneurship**

Footnote. The title - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

This model regulation on expert councils on entrepreneurship (hereinafter referred to as the Regulation) have been developed in accordance with the Entrepreneurial Code of the Republic of Kazakhstan (hereinafter referred to as the Code) and shall define the procedure for the formation and activities of expert councils created under the central state and local executive bodies.

Footnote. The preamble -in the wording of the resolution of the Government of the Republic of Kazakhstan dated 11.04.2022 No. 207 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 1. General Provisions**

Footnote. The title of Chapter 1 as amended by Resolution of the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).

1. The expert council - an advisory and consultation body created under the central state and local executive bodies to organize work on:

1) developing proposals for improving the activities of state bodies in order to support and protect entrepreneurship, including the elimination of administrative barriers;

2) developing proposals for improving the legislation of the Republic of Kazakhstan affecting the interests of entrepreneurship;

3) receiving expert opinions from members of expert councils for draft regulatory legal acts, draft international treaties of the Republic of Kazakhstan, as well as international treaties, which the Republic of Kazakhstan shall intend to become a party to, affecting the interests of entrepreneurship.

Footnote. Paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 11.04.2022 No. 207 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

2. The Expert Council shall implement its activities in accordance with the Constitution of the Republic of Kazakhstan, the Code, other regulatory legal acts of the Republic of Kazakhstan, as well as this Regulation.

3. The Expert Council shall implement the following functions:

1) consider projects of regulatory legal acts, projects of international treaties of the Republic of Kazakhstan, as well as international treaties to which the Republic of Kazakhstan intends to become a party, affecting the interests of entrepreneurship ( hereinafter referred to as the Project), developed and submitted by state bodies after their mandatory publication (distribution) in the media, including official Internet

resources of state bodies, with the exception of projects of regulatory legal acts containing state secrets;

2) implement a set of expert opinions of members of the Expert Council to the specified projects;

3) develop proposals for improving the activities of state bodies in order to support and protect entrepreneurship, including the elimination of administrative barriers, resolving problematic issues of entrepreneurs that require solution at the regional level, improving methods and mechanisms for protecting entrepreneurship;

4) contribute to improving the business and investment climate, as well as restoring the violated rights of business entities in the supervised industry (sphere) or region.

**Footnote. Paragraph 3 as amended by the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 2. The procedure for the formation of Expert Councils**

**Footnote. The title of Chapter 2 as amended by Resolution of the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).**

4. The composition of the expert council shall be formed from representatives of the National Chamber, self-regulatory organizations, associations of private business entities and other non-profit organizations accredited in the manner prescribed by the legislation, as well as a state body.

At the same time, representatives of law enforcement agencies shall be included in the composition of the expert council created under local executive bodies.

Accredited associations of private enterprises and non-profit organizations shall be members of the expert council under state bodies as a collective member and act through their representative, whose authority shall be confirmed by power of attorney.

**Footnote. Paragraph 4 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

5. The structure of the expert council shall consist of the chairman, his deputy (s), the secretary and the members of the council.

The expert council, created under the local executive bodies, shall be headed by the akim of the region, the city of republican significance, the capital.

The composition of the expert council created under the central state bodies shall be approved by the decision of the head of the state body, and under the local executive bodies - by the decision of the regional akim, the city of republican significance, the capital.

Footnote. Paragraph 5 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 3. The procedure for operating of Expert Councils**

Footnote. The title of Chapter 3 as amended by Resolution of the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).

6. A member of the Expert Council is entitled to:
- 1) have access to the materials of the Expert Council;
  - 2) participate in the discussion of materials submitted to the meeting of the Expert Council;
  - 3) initiate:  
holding an Expert Council meeting on the projects under consideration;  
inclusion in the agenda of the meeting of issues falling within the competence of the relevant state body;
  - 4) make recommendations on the development of proposals for improving the activities of state bodies in order to support and protect entrepreneurship, including the elimination of administrative barriers, resolving problematic issues of entrepreneurs that require solution at the regional level, finding a solution to improve ways and mechanisms for protecting entrepreneurship;
  - 5) require in-person meeting of the Expert Council.

Footnote. Paragraph 6 – as amended by the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

7. The organizational and technical support of the work of the Expert Council shall be carried out by the working body of the Expert Council, which, by decision of the state body, is the corresponding structural unit.

8. The working body of the Expert Council shall:
- 1) in the period between meetings of the Expert Council organize its work;
  - 2) send a notification to the Expert Council and the National Chamber on the placement of the corresponding project of regulatory legal act affecting the interests of business entities on the Internet portal of open regulatory legal acts to obtain an expert opinion, including at each subsequent approval of this project with interested state bodies, and place the project of normative legal act on the official Internet resource of the state body.\*;
  - 3) carry out the preparation of materials on projects submitted to the meeting of the Expert Council;

4) provide for the preparation and signing of a protocol based on the results of a meeting of the Expert Council;

5) not later than ten working days before the Expert Council holding, notify the members of the Expert Council of the place, time and agenda of the meeting of the Expert Council and provide them with the necessary materials;

6) within five working days from the date of approval of the decisions of the meeting of the Expert Council, send a copy of the protocol to the members of the Expert Council \*.

Note:

\*Submission of a notification to the Expert Council and the National Chamber on the placement of the corresponding project of regulatory legal act affecting the interests of business entities on the Internet portal of open regulatory legal acts for obtaining an expert opinion and posting of this project on the official Internet resource of the state body, sending the protocol of the Expert Council, as well as the preparation of materials on projects submitted to the meeting of the Expert Council, may be carried out by the structural unit-developer of the working body.

**Footnote. Paragraph 8 as amended by the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).**

8.1. In the event that a regulatory legal act is adopted jointly by several state bodies, a notification shall be sent to the Expert Councils and the National Chamber on the placement of the corresponding joint project of regulatory legal act affecting the interests of business entities on the Internet portal of open regulatory legal acts for obtaining an expert opinion, as well as Placement of the joint project of regulatory legal act on the official Internet resource of the state body state body-developer initiated the development of a normative legal act.

**Footnote. Chapter 3 have been supplemented by paragraph 8.1 in accordance with the Resolution of the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).**

9. The chairman of the Expert Council shall manage the work of the Expert Council, approve the agenda of the next meeting of the Expert Council, and convene its meetings if necessary.

During the absence of the chairman of the Expert Council, his functions shall be performed by the deputy.

10. Decisions of the Expert Council shall be drawn up as a protocol in the form according to the Annex to this Regulation, which shall be signed by the chairman and secretary of the Expert Council, and shall be advisory in nature.

The secretary shall not be a member of the Expert Council and shall not have the right to vote when the Expert Council makes decisions. This protocol shall be sent to the members of the Expert Council and shall be a mandatory annex to the project.

11. Expert council meetings shall be held as required.

At the same time, meetings of expert councils created under local executive bodies shall be held at least once a quarter with mandatory consideration of issues that need to be resolved at the regional level.

Footnote. Paragraph 11 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

12. Consideration of projects may be carried out by the Expert Council without holding a meeting by sending it to the members of the Expert Council, with the exception of the case provided for in paragraph 15 of this Regulation.

13. Any issue affecting the interests of business entities may be submitted to the expert council if this issue falls under the competence of the relevant state body.

Footnote. Paragraph 13 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

14. The expert opinion shall be a written position of a member of the Expert Council and the National Chamber shall be of a recommendatory nature and is a mandatory annex to the concept of the project of the law, the project of the regulatory legal act before its adoption, including at each subsequent coordination of this project with interested state bodies.

Expert opinions shall be presented in both Kazakh and Russian languages.

Footnote. Paragraph 14 as amended by the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).

15. In cases when an accredited association of private business entities, the National Chamber has submitted an expert opinion on projects with comments and a member of the Expert Council requires an Expert Council meeting, such a meeting shall be mandatory.

Therewith the meetings of the Expert Council may be conducted by directly convening members of the Expert Council or by holding a videoconferencing or online conference in real time.

Footnote. Paragraph 14 as amended by the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).

16. The state body, in agreement with the expert opinion, shall introduce appropriate amendments and (or) additions to the draft.



In case of disagreement with the expert opinion, the state developer body within ten working days from the date of receipt of the expert opinion sends a response to the member of the expert council who gave this opinion and to the National Chamber justifying the reasons for the disagreement. Such answers with justification shall be a mandatory Annex to the project before its adoption.

In case of failure to submit an expert opinion on the draft within the period established by the state body in accordance with Article 19 of the Law of the Republic of Kazakhstan "On Legal Acts," the draft is considered agreed without comments.

**Footnote. Paragraph 16 – in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 09.11.2022 No. 884 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

17. In cases of renaming, changing the actual location of the members of the Expert Council and the National Chamber, as well as changing their contact information (post address or e-mail address, or phone number and other), the members of the Expert Council and the National Chamber shall notify the working body within 3 business days from the moment of this event.

**Footnote. Chapter 3 have been supplemented by paragraph 17 in accordance with the Resolution of the Government of the Republic of Kazakhstan No. 799 dated November 30, 2018 (shall come into effect upon expiry of ten calendar days after the day its first official publication).**

Annex  
to the Model Regulation  
on Expert Councils  
on private entrepreneurship

## **MINUTE of the Expert council on entrepreneurship**

in case of \_\_\_\_\_

\_\_\_\_\_  
(name of the state body)

No. \_\_\_\_\_ dated "\_\_\_" \_\_\_\_\_

**Footnote. Annex – in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 11.04.2022 № 207 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Agenda**

On consideration by members of the expert council on entrepreneurship  
(hereinafter referred to as the expert council)

\_\_\_\_\_  
(name of the draft regulatory legal act or the issue under consideration)

1. Expert opinions have been submitted without comments and suggestions:

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(name of the organization)

2. Expert opinions have been presented with comments and suggestions:

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(the name of the organization, the total number of comments and proposals submitted,

of which the number of accepted/not accepted \*)

3. Expert opinions have not been submitted: \_\_\_\_\_

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(name of the organization)

4. \_\_\_\_\_

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(information on acceptance and non-acceptance of comments and proposals \* \*)

Chairman of the expert council

Secretary of the expert council

Notes:

\* Example: Eurasian Industrial Association - 10 (7/3)

\* \* In this case, the essence of the comments is briefly indicated.

If comments are accepted, information on their adoption shall be indicated.

In case of disagreement, the date and number of the letter sent to the members of the expert council with justification of the reasons for disagreement with the expert opinion shall be indicated.

Annex to the Resolution of the  
Government of the  
Republic of Kazakhstan  
No. 1090 dated  
December 28, 2015

### **List of certain expired decisions of the Government of the Republic of Kazakhstan**

1. Resolution of the Government of the Republic of Kazakhstan No. 496 dated June 2, 2006 "On the approval of the Model Regulation on Expert Councils on private entrepreneurship" (CAPG of the Republic of Kazakhstan, 2006, No. 21, Article 204).

2. Subparagraph 2) of paragraph 1 of Resolution of the Government of the Republic of Kazakhstan No. 1513 dated October 2, 2009 "On amendments and supplements to the Decisions of the Government of the Republic of Kazakhstan No.



477 dated May 31, 2006 and No. 496 dated June 2, 2006" (CAPG of the Republic of Kazakhstan, 2009., No. 41, Article 396).

3. Paragraph 4 of the amendments that are introduced to some decisions of the Government of the Republic of Kazakhstan, approved by Resolution of the Government of the Republic of Kazakhstan No. 2305 dated December 30, 2009 "On amendments to some decisions of the Government of the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 2010, No. 4, Art. 54).

4. Paragraph 4 of amendments and supplements that are introduced to some decisions of the Government of the Republic of Kazakhstan, approved by Resolution of the Government of the Republic of Kazakhstan No. 1524 dated December 31, 2013 "On amendments and supplements to some decisions of the Government of the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 2013, No. 78, Article 1037).