



On approval of the Rules for development, coordination of drafts of by-law normative legal acts

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated October 6, 2016 No. 569. Abolished by the Decree of the Government of the Republic of Kazakhstan dated July 13, 2023 No. 560

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated July 13, 2023 No. 560 (it is put into effect after ten calendar days after the date of its first official publication).

In accordance with paragraph 5 of Article 18 of the Law of the Republic of Kazakhstan "On Legal Acts", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

Footnote. Preamble - as amended by the Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

1. To approve the attached Rules for development, coordination of drafts of by-law normative legal acts.

1-1. Excluded by Government Decree No. 313 of 13.05.2021.

2. This decree shall come into force from the date of signing.

Prime Minister

of the Republic of Kazakhstan

B. Sagintayev

Approved by
Decree of the Government
of the Republic of Kazakhstan
No. 569 of October 6, 2016

Rules for Developing, Approving Draft By-Laws

Footnote. The Rules as reworded by Decree No. 313 of the Government of the Republic of Kazakhstan dated 13.05.2021.

Chapter 1. General provisions

1. These Rules for the development, approval of draft by-laws of regulatory legal acts (hereinafter referred to as the Rules) have been developed in accordance with paragraph 5 of Article 18 of the Law of the Republic of Kazakhstan "On Legal Acts" (

hereinafter referred to as the Law "On Legal Acts") and shall determine the procedure for the development and approval of projects subordinate normative legal acts.

Footnote. Paragraph 1 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

2. The draft by-laws shall be:

- 1) regulatory legal decrees of the President of the Republic of Kazakhstan;
- 2) regulatory legal decrees of the Government of the Republic of Kazakhstan (hereinafter referred to as draft decrees);
- 3) regulatory legal resolutions of the Central Election Commission of the Republic of Kazakhstan, the Accounts Committee for Control over Execution of the Republican Budget of the Republic of Kazakhstan, the National Bank of Kazakhstan and other central state authorities, regulatory legal orders of ministers of the Republic of Kazakhstan and other heads of central state authorities, regulatory legal orders of heads of departments of central state authorities;
- 4) regulatory legal decisions of maslikhats, regulatory legal decisions of akimats, regulatory legal decisions of akims and regulatory legal decisions of audit commissions

3. The procedure for the development, approval and submission for the signature of draft regulatory legal Resolutions of the President of the Republic of Kazakhstan shall be determined by the Rules for preparing and implementing the message, working with acts and instructions of the President of the Republic of Kazakhstan and monitoring their implementation, monitoring regulatory legal Resolutions approved by the Resolution of the President of the Republic of Kazakhstan dated April 27, 2010 No. 976.

Footnote. Paragraph 3 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication); as amended by Resolution of the Government of the Republic of Kazakhstan dated February 13, 2023 No. 121 (shall be enforced ten calendar days after the day of its first official publication).

4. The procedure for the development, approval and state registration of draft by-laws of central and local state bodies shall be governed by the Rules for the Development, Approval and State Registration of By-Laws, approved by Decree No. 568 of the Government of the Republic of Kazakhstan, dated October 6, 2016.

5. Development and approval of draft by-laws, classified as classified or marked "For official use", shall be carried out taking into account the specifics of the legislation of the Republic of Kazakhstan in the field of protecting state secrets and in accordance

with the Rules for classifying information as official information of limited distribution and working with it, approved by the Resolution of the Government of the Republic of Kazakhstan dated June 24, 2022 No. 429.

Footnote. Paragraph 5 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

Chapter 2. Drafting of decrees and resolutions

6. The drafting of decrees and resolutions shall be based on and pursuant to the Constitution of the Republic of Kazakhstan, legislative acts, acts of the President and the Government of the Republic of Kazakhstan.

7. Draft decrees and resolutions shall be developed by public authorities pursuant to their competence as prescribed by the legislation of the Republic of Kazakhstan, on their own initiative or on the instructions of superior state bodies and officials, unless otherwise stipulated by the legislation of the Republic of Kazakhstan.

If the implementation of the rules of law of the draft decree or resolution being prepared requires amendments and/or additions to legal acts of one or lower level, draft by-laws with the said amendments and/or additions must be prepared simultaneously with the draft decree or resolution of the main type or instructions must be given to the relevant bodies to prepare such acts.

Draft resolutions may be developed by the Office of the Government of the Republic of Kazakhstan (hereinafter referred to as the Office) on behalf of the Prime Minister of the Republic of Kazakhstan, his deputies or the Head of the Office.

Footnote. Paragraph 7 as amended by Resolutions of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication); dated February 13, 2023 No. 121 (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

8. The public drafting authority shall set up a working group to develop the draft decree or resolution or entrust its departments with its preparation.

Staff from the legal department of the drafting authority must be involved in the drafting of decrees or resolutions.

Specialists from various fields of knowledge, scientific institutions and other organisations, academics, representatives of non-profit and other organisations may be involved in the preparation of draft decrees or resolutions.

9. The quality of drafting of by-laws, compliance with the norms of literary language, legal terminology and legal technique, and the authenticity of texts in Kazakh and Russian shall be ensured by the public drafting authorities.

10. The developed draft resolutions in the Kazakh and Russian languages, together with explanatory notes and comparative tables to them (in cases of amendments and (or) additions to the current resolution), shall be sent for approval to the interested state bodies, posted for public discussion on the Internet portal of open normative legal acts, as well as on the Internet resource of the state body-developer.

Footnote. Paragraph 10 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

11. Excluded by Resolution of the Government of the Republic of Kazakhstan dated September 2, 2022 No. 644 (shall be enforced ten calendar days after the day of its first official publication).

12. For draft decrees or resolutions of social importance, a press release shall be additionally posted on the website in Kazakh and Russian and, if necessary, in other languages.

A draft decree or resolution of social importance shall be understood to mean a draft decree or resolution directly or indirectly affecting human rights and interests and those of society as a whole.

13. Draft decrees or resolutions concerning citizens' rights, freedoms and obligations must be recommended by public councils under Article 20 of the Law "On Legal Acts".

14. For draft decrees or resolutions affecting the interests of business entities, an expert opinion must be obtained from the National Chamber of Entrepreneurs of the Republic of Kazakhstan and the Expert Councils on Private Enterprise (hereinafter the Expert Council), as required by Article 19 of the Law on Legal Acts.

The public authority that develops the draft decree or resolution shall, if it agrees with the expert opinion, make appropriate amendments and/or additions to the draft decree or resolution.

In the event of disagreement with the expert opinion, the public drafting authority shall, within ten working days from the date of receipt of the expert opinion, send a response to the member of the expert council who gave the opinion and to the National Chamber of Entrepreneurs of the Republic of Kazakhstan with a justification for the disagreement. Such response shall be a compulsory annex to the draft decree or resolution prior to its adoption.

15. Regulatory impact analysis shall be undertaken for draft decrees or resolutions affecting private businesses under Articles 82 and 83 of the Entrepreneurial Code of the Republic of Kazakhstan (hereinafter, the Code).

The findings of the regulatory impact analysis shall be made available on publicly accessible internet resources.

16. Draft decrees or resolutions where the implementation may lead to negative effects on the environment shall be subject to a mandatory state environmental impact assessment.

17. Academic anti-corruption expertise shall be performed on draft decrees or resolutions as per the Rules for Academic Anti-Corruption Expertise of Draft By-Laws approved by Decree No. 451 of the Government of the Republic of Kazakhstan dated July 16, 2020.

Chapter 3: Approval of draft decrees and resolutions

18. Draft resolutions shall be agreed upon with state bodies interested by their competence established by law in the information system for the approval of draft regulatory legal acts (hereinafter referred to as ISAD) in the form of electronic documents, while such interest in the approval of a draft resolution is established based on the subject matter considered in the draft resolution of issues, as well as if the draft resolution contains instructions to state bodies or their heads.

Footnote. Paragraph 18 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

19. The state body-developer of the draft resolution places in the ISAD in the form of electronic documents a draft resolution (order), an explanatory note to it and other necessary documents certified using an electronic digital signature of the certification centre of state bodies (hereinafter referred to as EDS) of the head of the legal service (or person performing his duties) and the first head of the state body or an official authorized by him, and sends it for approval to the relevant state bodies through the ISAD.

The public drafting authority shall notify the National Chamber of Entrepreneurs of the Republic of Kazakhstan, expert councils and public councils of the posting of the relevant draft decree or resolution affecting the interests of business entities or concerning the rights, freedoms and obligations of citizens on the Internet portal of open regulatory legal acts for expert opinions and recommendations, including at each subsequent approval of the draft by the public authorities concerned.

If it is not possible to receive a draft decree or resolution electronically, a hard copy of the electronic document, certified as per the procedure established by the Rules for Documentation, Document Management and Use of Electronic Document Management Systems in State and Non-State Organisations, approved by Decree No. 703 of October 31, 2018 of the Government of Kazakhstan, may be sent to certain actors in the standard-setting process for approval.

Footnote. Paragraph 19 as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

20. Before being submitted to the Office, draft resolutions must be agreed with:

1) the Ministry of Justice, responsible for conducting legal expertise for compliance with the Constitution, legislative acts, acts of the President, Government and Prime Minister;

2) the Ministry of Finance;

3) the Ministry of National Economy.

The obligatory approval of draft resolutions by the ministries of justice and (or) the national economy and (or) finance shall not apply to projects on personnel issues (in terms of the appointment and dismissal of officials of state bodies), as well as on the creation or abolition of consultative and advisory bodies.

Footnote. Paragraph 20 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication); as amended by Resolution of the Government of the Republic of Kazakhstan dated February 13, 2023 No. 121 (shall be enforced ten calendar days after the day of its first official publication).

21. If the text of a draft decree or resolution is amended, resulting in a reduction of income or an increase in expenditure from the national budget, the draft decree or resolution shall require re-consideration by the Ministry of Finance of the Republic of Kazakhstan and a positive protocol decision by the National Budget Commission.

22. Draft resolutions submitted by state bodies to the Administration, prepared in the state and Russian languages, must contain:

1) a cover letter, including an indication of the comments of the coordinating state bodies;

2) draft resolution;

3) an explanatory note of no more than 2 (two) pages, and on complex issues - 3 (three) pages in the form, in accordance with Annex 1 to the Regulations of the Government of the Republic of Kazakhstan, approved by the Resolution of the Government of the Republic of Kazakhstan dated January 6, 2023 No. 10 (hereinafter referred to as the Regulations);

4) a comparative table of the previous and new versions of the resolution (resolutions) with the appropriate reasoned justification for the amendments and additions, including derivative legal acts, concerning each paragraph in the form in accordance with Annex 2 to the Regulations, according to the draft resolution, which provides for the introduction of changes and (or) amendments to existing legal acts;

5) expert opinions of the National Chamber of Entrepreneurs of the Republic of Kazakhstan and expert councils if the draft resolution affects the interests of business entities.

In case of disagreement with the expert opinion, the state body-developer of the project must, in the explanatory note to the draft resolution, provide a reasoned justification for the reasons for disagreeing with the expert opinion;

6) recommendations of the public council if the draft resolution affects the rights, freedoms and obligations of citizens, except for cases when the creation of a public council in a state body is not provided for by the Law of the Republic of Kazakhstan "On Public Councils".

In case of disagreement with the recommendations, the state body developer of the project must provide a reasoned justification for the reasons for disagreement in the explanatory note to the draft resolution. The recommendations of the public council shall not be applied in case of failure to submit them within the prescribed period;

7) a report on the completion of the public discussion of the draft resolution in the form established by the authorized body in the field of informatization, in the case when the draft resolution is subject to placement on the Internet portal of open regulatory legal acts;

8) the conclusion of scientific anti-corruption expertise of a draft resolution, except for draft resolutions, which, in accordance with the Law of the Republic of Kazakhstan "On Legal Acts", are not subject to the requirement to conduct scientific anti-corruption expertise.

Together with the conclusion of the scientific anti-corruption expertise, the developer submits to the Office a copy of his response to the person or organization that carried out the scientific anti-corruption expertise of the draft resolution, with justifications for the reasons for not accepting the recommendations;

9) conclusions of authorized state bodies in cases provided for by the legislation of the Republic of Kazakhstan;

10) copies of instructions (protocols, etc.), in pursuance of which the draft resolution was developed;

11) a protocol decision of the Interdepartmental Commission on the Regulation of Entrepreneurial Activities under the Government of the Republic of Kazakhstan and the conclusion of the authorized body for entrepreneurship on compliance with the established procedures by regulatory state bodies, as well as the results of the regulatory impact analysis if the project was subject to a regulatory impact analysis in accordance with the Entrepreneurial Code Republic of Kazakhstan.

The content of draft resolutions shall be formed only in the docx format, except for sheets of approvals, conclusions based on the results of scientific examinations, conclusions of other state bodies, instructions, orders for the assignment of duties to

persons acting as the first head of a state body (on vesting), which are formed in pdf format and should consist of no more than 6 files. The use of other formats, as well as archiving of the submitted electronic versions of the document, shall be prohibited.

Footnote. Paragraph 22 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication); as amended by Resolution of the Government of the Republic of Kazakhstan dated February 13, 2023 No. 121 (shall be enforced ten calendar days after the day of its first official publication).

23. When receiving a draft decree or resolution for approval, public authorities shall not require prior approval by other public authorities and shall not refuse approval of the draft for formal or other unjustified reasons.

24. Based on the results of consideration of the draft resolution, the first head of the coordinating state body or an official authorized by him shall choose one of the answer options in the ISAD using the EDS:

- 1) agreed without comments;
- 2) agreed with the comments that are attached;
- 3) denied approval. Herein, the coordinating state body makes a note on the refusal to agree with the reasoned reasoning for the refusal to agree.

When coordinating the draft resolution with the comments, the coordinating state body in the ISAD puts reasoned justifications for the existing comments.

Footnote. Paragraph 24 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

25. Draft resolutions (except for Government resolutions providing for the submission of draft legislative acts to the Majilis of the Parliament) shall be agreed upon by state bodies within 3 (three) working days, except for the ministries of justice, finance and national economy, which coordinate drafts within 5 (five) working days.

If the project is being approved by the state body for more than 3 (three) working days (in the Ministries of Justice, Finance, National Economy and Foreign Affairs - 5 (five) working days) and no response is submitted, then such a project shall be considered "agreed" by default.

Footnote. Paragraph 25 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).

26. If there are disagreements between state bodies when agreeing on a draft resolution, the state body drafter ensures its discussion with the coordinating bodies to find a mutually acceptable solution.

If a mutually acceptable decision is not reached, the state body-developer, together with the coordinating bodies, shall draw up comments signed by the first heads of state bodies or officials authorized by them.

Comments shall be considered at a meeting with the Prime Minister or his deputies to make specific decisions on the merits of the issue within a period of not more than 5 (five) working days from the date of registration of the project in the Administration.

Footnote. Paragraph 26 - as amended by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication); as amended by Resolution of the Government of the Republic of Kazakhstan dated February 13, 2023 No. 121 (shall be enforced ten calendar days after the day of its first official publication).

27. Excluded by Resolution of the Government of the Republic of Kazakhstan dated December 28, 2022 No. 1082 (shall be enforced ten calendar days after the day of its first official publication).