



On approval of the Rules of operation of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism, the amount of money to be secured by a bank guarantee for tour operators and tour operators-charterers, operating in the field of outbound tourism, the amount of money to be transferred to a bank account, opened specially for the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated October 21, 2016 No. 607. Abolished by the Decree of the Government of the Republic of Kazakhstan dated September 1, 2023 No. 752

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated September 1, 2023 No. 752 (effective ten calendar days after the date of its first official publication).

In accordance with subparagraph 10-2) of article 10 of the Law of the Republic of Kazakhstan dated June 13, 2001 "On touristic activity in the Republic of Kazakhstan", the Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached:

1) Rules of operation of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

2) amount of money, to be secured by a bank guarantee for tour operators and tour operators-charterers, operating in the field of outbound tourism;

3) amount of money, to be transferred to a bank account, opened specially for the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism.

2. This decree shall come into force upon expiry of ten calendar days from the date of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

B. SAGINTAYEV

Approved by the decree
of the Government
of the Republic of Kazakhstan
dated October 21, 2016 no. 607

Rules for the System of Guaranteeing the Rights of Citizens of the Republic of Kazakhstan in Outbound Tourism

Chapter 1. General provisions

Footnote. The title of Chapter 1 - as reworded by Decree No. 609 of the Government of the RK dated 03.09.2021 (shall be enacted ten calendar days after the date of its first official publication).

1. These Rules for the System of Guaranteeing the Rights of Citizens of the Republic of Kazakhstan in Outbound Tourism (hereinafter - the Rules) have been elaborated as per sub-paragraph 10-2) of Article 10 of the Law of the Republic of Kazakhstan "On Tourist Activities in the Republic of Kazakhstan" (hereinafter - the Law) and govern the functioning of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism.

Footnote. Paragraph 1 - as reworded by Decree No. 609 of the Government of the Republic of Kazakhstan dated 03.09.2021 (shall be put into effect ten calendar days after the date of its first official publication).

2. The following basic concepts shall be used herein:

1) specified account: a bank account opened specifically for the administrator of the outbound tourism guarantee system of the Republic of Kazakhstan;

2) a system of guaranteeing the rights of the citizens of the Republic of Kazakhstan in outbound tourism (hereinafter, the system) - a set of legal relations between citizens of the Republic of Kazakhstan, travel agents, tour operators, tour operators-freighters, the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in outbound tourism and the competent authority, ensuring protection of the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

3) administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism - a legal entity determined by the Government of the Republic of Kazakhstan, the sole activity of which is to perform the functions of the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism (hereinafter - the administrator of the system);

4) tourist code - a unique number assigned to a tourist by a tour operator in the field of outbound tourism, guaranteeing the tour operator's obligations within the framework of organized outbound tourism;

5) competent authority - the central executive body responsible for public administration in the field of tourism activities

Footnote. Paragraph 2 - as reworded by Decree No. 609 of the Government of the Republic of Kazakhstan dated 03.09.2021 (shall be put into effect ten calendar days after its first official publication).

Chapter 2: Procedure for the functioning of the system

Footnote. The title of Chapter 2 - as reworded by Decree No. 609 of the Government of the RK dated 03.09.2021 (shall be enacted ten calendar days after the date of its first official publication).

3. The subjects of the system shall be:

1) tour operators, performing activities in the field of outbound tourism (hereinafter referred to as the tour operators);

2) tour operators-charterers, performing activities in the field of outbound tourism (hereinafter referred to as the tour operators-charterers);

3) tour agents, performing activities in the field of outbound tourism (hereinafter referred to as the tour agents);

4) administrator of the system.

4. For the purposes of ensuring the execution of obligations, stipulated in paragraph 1 of article 27-3 of the Law, tour operators and tour operators-charterers shall provide to the administrator of the system:

1) an original or notarized copy of a bank guarantee agreement to the amount of money, approved by the Government of the Republic of Kazakhstan, concluded by a tour operator and tour operator-charterer with a second-tier bank of the Republic of Kazakhstan;

2) information about the transfer to a special account by the tour operator and tour operator-charterer of the amount of money from each tourist product sold by the travel agent to the citizen of the Republic of Kazakhstan, approved by the Government of the Republic of Kazakhstan.

5. Information about the transfer of money to a special account in the amount approved by the Government of the Republic of Kazakhstan shall be provided by tour operators and / or charterers to the administrator of the system every month no later than the 5th day of the month following the reporting month, in the form established by the system administrator.

The administrator of the system shall monthly reconcile with tour operators and / or tour operators -charterers the information about tourism products sold to citizens of the Republic of Kazakhstan and the amount of money to be transferred to a special account

6. The system administrator shall be responsible for:

1) administration of the mechanism for assigning a tourist code to nationals of the Republic of Kazakhstan as part of outbound tourism;

2) accepting a differentiated guarantee amount determined by the Government of the Republic of Kazakhstan;

3) analytical and research work to prepare suggestions to the competent authority on the indexation of the amounts of money to be transferred from each tourist product sold by a tour operator to a citizen of the Republic of Kazakhstan, and the amounts to be secured by a bank guarantee concluded by the tour operator and the tour operator-freighter with a second-tier bank of the Republic of Kazakhstan.

Footnote. Paragraph 6 - as reworded by Decree No. 609 of the Government of the Republic of Kazakhstan dated 03.09.2021 (shall be put into effect ten calendar days after the date of its first official publication).

6-1. The system shall not apply to the legal relations of citizens of the Republic of Kazakhstan with travel agents, tour operators, tour charterers, the system administrator and the competent authority in relation to business travel.

Business travel shall refer to visits to a country (place) of temporary residence by citizens of the Republic of Kazakhstan for professional and business purposes who are engaged in a paid activity.

Footnote. Chapter 2 as supplemented by paragraph 6-1, under Government Decree No. 609 of 03.09.2021 (shall be enacted ten calendar days after the date of its first official publication).

7. The administrator of the system shall monthly post reports on its activities on the Internet-resource of the administrator of the system and shall publish them in periodicals, distributed in the whole territory of the Republic of Kazakhstan, upon expiry of 30 calendar days, following the reporting period.

Chapter 2-1. Procedure for the refund of a bank guarantee paid as well as of funds transferred for tourism products sold and application of the netting of transfers

Footnote. The Rules as supplemented by Chapter 2, under Government Decree No. 609 of 03.09.2021 (shall be enforced ten calendar days after the date of its first official publication).

7-1. Under Article 27-2 of the Law, the administrator of the system shall:

1) refund of the bank guarantee paid, as well as the funds transferred for the sold tourism products to the tour operator or charterer of the system, provided that there is no exportation of citizens of the Republic of Kazakhstan through the fault of this tour operator or charterer of the system in case it terminates its type of tour operator activity in the field of outbound tourism;

2) refund of the bank guarantee paid by the tour operator or charterer of the system when the limit amount of the bank guarantee is reached to that tour operator or charterer.

To refund the bank guarantee paid, as well as the funds transferred for the tourism products sold, the tour operator or the charterer shall send to the system administrator a written application in any of the following forms.

7-2. Within 10 working days, the administrator of the system shall reconcile the funds transferred by the tour operator or the charterer, verify that there is no removal of citizens of the Republic of Kazakhstan through the fault of the tour operator or the charterer, and take into account whether or not the tourists of the tour operator or the charterer need to be removed.

7-3. After the reconciliation, within 5 working days, the system administrator shall decide whether to refund or not to refund:

1) the bank guarantee paid, as well as the funds transferred for the tourism products sold in the case specified in sub-paragraph 1) of paragraph 7-1 hereof;

2) the bank guarantee paid in the case referred to in sub-paragraph 2) of paragraph 7-1 hereof.

7-4. The system administrator shall return the bank guarantee within 15 working days by drawing up a certificate of acceptance of the bank guarantee.

The system administrator shall refund the transferred funds for sold tourism products within 15 working days by transferring the funds to the bank account of the tour operator or the tour operator-freighter.

7-5. In the case of a bank guarantee referred to in sub-paragraph 2) of paragraph 7-1 hereof, if the amount of funds transferred for tourism products sold falls below the amount of money to be secured by the bank guarantee in the relevant financial year, the tour operator or the charterer-tour operator shall replenish this amount within 5 working days or submit the original or a notarized copy of the bank guarantee agreement to the system administrator within 30 calendar days.

7-6. When the bank guarantee and the transferred funds for the sold tourism products are returned and the maximum amount of the bank guarantee is reached, the commission fee and the funds spent on the removal of citizens of Kazakhstan through the fault of that tour operator or tour operator-freighter shall be deducted from the money to be transferred under sub-paragraph 2) of paragraph 1 of Article 27-3 of the Law.

7-7. The system administrator shall provide the application of the method of offsetting transfers for the next calendar year for the system tour operator or charterer three years after the entry of this tour operator or charterer into the system, except for the amount of commission allocated to the activities of the system administrator.

Chapter 3: Procedure for implementing measures to protect the rights of citizens of the Republic of Kazakhstan in outbound tourism

Footnote. The title of Chapter 3 - as reworded by Decree No. 609 of the Government of the RK dated 03.09.2021 (shall come into force ten calendar days after the date of its first official publication).

8. Activities on protection of rights of citizens of the Republic of Kazakhstan in the field of outbound tourism (hereinafter referred to as the activities on protection of rights of citizens) shall include:

1) transportation the citizens of the Republic of Kazakhstan, who are tourists, from the territory of the country (place) of temporary stay to the territory of the Republic of Kazakhstan by air, railway, land and water transport;

2) provision of the accommodation (temporary residence) of citizens of the Republic of Kazakhstan, who are tourists, in a hotel or other place of accommodation for a period prior to the start of the transportation to the territory of the Republic of Kazakhstan (if the period of involuntary waiting for the transportation is more than 8 hours - in daytime and more than 6 hours - at night);

3) delivery of citizens of the Republic of Kazakhstan, who are tourists from the location in the country of temporary stay to the point of transportation to the territory of the Republic of Kazakhstan;

4) organization of catering of citizens of the Republic of Kazakhstan, who are tourists (in case if the period of involuntary waiting for transportation exceeds 4 hours)

9. The decision on the implementation of actions to protect the rights of citizens shall be taken by the administrator of the system in agreement with the authorized body in the following cases:

1) written or oral appeal of a citizen of the Republic of Kazakhstan in case of violation of his rights in the field of outbound tourism;

2) appeals of state bodies on violations of the legislation of the Republic of Kazakhstan on touristic activities in the field of outbound tourism;

3) written appeal of the association (associations) of tourists on violations of rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

4) appeals of mass media on the facts of violation of rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

5) other cases of the threat of harm to life and health of citizens of the Republic of Kazakhstan in the field of outbound tourism.

10. In the case of the events referred to in paragraph 9 hereof, the system administrator shall, within twenty-four hours, take the following measures:

1) clarify the veracity of the information, the circumstances of impossibility of performance, non-performance or improper performance by the tour operator or the tour operator-charterer of the obligations under the contract for tourism services;

2) take a decision, agreed with the competent authority, to take action to protect the rights of citizens when confirming the information in the cases referred to in paragraph 9 hereof;

3) notify the head of the tour operator and/or charterer, the Republic of Kazakhstan's foreign office in the country where the tourists are located, and inform the citizens of the Republic of Kazakhstan via the media of the decision taken in agreement with the competent authority.

Footnote. Paragraph 10 - as reworded by Decree No. 609 of the Government of the Republic of Kazakhstan dated 03.09.2021 (shall be put into effect ten calendar days after its first official publication).

11. Actions to protect the rights of citizens are carried out in accordance with agreements concluded by the administrator of the system with third parties (their associations) that provide the services specified in paragraph 8 of these Rules.

12. In case of insufficient funds on the special account of the system administrator for implementation of actions to protect the rights of citizens of the Republic of Kazakhstan stated in paragraph 8 hereof, as well as for compensation of used funds of the special account, the system administrator shall submit to the second-tier bank a claim for performance of obligations under the bank guarantee of the tour operator or tour operator-freighter who failed to perform obligations under the contract for tourist services.

Based on the request of the system administrator, the second-tier banks shall, within 5 calendar days of receipt of the request, ensure payment in favour of the system administrator or third parties (their associations) determined by the system administrator, of money within the limits of the amounts secured by the bank guarantee

Footnote. Paragraph 12 - as reworded by Decree No. 609 of the Government of the Republic of Kazakhstan dated 03.09.2021 (shall be enacted upon expiry of ten calendar days after its first official publication).

Approved by the decree
of the Government
of the Republic of Kazakhstan
dated October 21, 2016 no. 607

Amount of money, to be secured by a bank guarantee for tour operators and tour operators-charterers, operating in the field of outbound tourism

| Item no. | Subject, performing activities, in the field of outbound tourism | Amount of money, to be secured by a bank guarantee |
|----------|--|--|
| 1 | Tour operator | 5 000 MCI |
| 2 | Tour operator-charterer | 15 000 MCI |

Approved by the decree
of the Government
of the Republic of Kazakhstan
dated October 21, 2016 no. 607

Amount of money, to be transferred to a bank account, opened specially for the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism

| Item no. | Subject of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism | Amount of money from each sold tourism product, to be transferred to a bank account |
|----------|---|---|
| 1 | Tour operator | 0,5 MCI |
| 2 | Tour operator-charterer | 0,5 MCI |

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