



On the approval of the Rules for the provision of humanitarian assistance

Unofficial translation

Government of the Republic of Kazakhstan dated October 8, 2019 No. 743.

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In accordance with subparagraph 34-2) of Article 11 of the Law of the Republic of Kazakhstan “On Civil Protection”, the Government of the Republic of Kazakhstan **HEREBY DECREES:**

Footnote. Preamble - as amended by the Decree of the Government of the Republic of Kazakhstan dated 20.12.2023 № 1158 (shall come into effect ten calendar days after the day of its first official publication).

1. To approve the attached Rules for the provision of humanitarian assistance.
2. This resolution shall be enforced after ten calendar days after the day its first official publication.

Prime Minister of the Republic of Kazakhstan

A. Mamin

Approved
by the Government of the
Republic of Kazakhstan
dated October 8, 2019 N 743

Rules for the provision of humanitarian assistance

Footnote. The rules in the wording of the Decree of the Government of the Republic of Kazakhstan dated 07.12.2021 № 869 (effective after ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for the Provision of Humanitarian Assistance (hereinafter referred to as the Rules) have been developed in accordance with Article 11, subparagraph 34-2) of the Law of the Republic of Kazakhstan "On civil protection" (hereinafter referred to as the Law) and shall determine the procedure for the provision of humanitarian assistance by the Republic of Kazakhstan and the Republic of Kazakhstan.

2. The following concepts shall be used in these Rules:

1) humanitarian assistance provided by the Republic of Kazakhstan - assistance provided by the Republic of Kazakhstan free of charge to other states in order to eliminate natural, man-made and social emergencies, an environmental emergency and environmental disaster in the territory of other states;

2) humanitarian assistance provided to the Republic of Kazakhstan - property provided free of charge to the Republic of Kazakhstan in the form of food, consumer goods, machinery, equipment, equipment, medicines and medical devices, other property sent from foreign countries and international organizations to improve the living conditions of the population, as well as prevention and elimination of military, environmental, natural and man-made emergencies distributed by the Government of the Republic of Kazakhstan through authorized organizations;

3) authorized body in the field of state material reserve - the central executive body exercising executive and control functions, as well as the management of the state material reserve system;

4) authorized organization - an organization under the authority of the central state body of the Republic of Kazakhstan or local executive body, carrying out activities in the relevant industry;

5) international organization - interstate or intergovernmental organization;

6) Commission on international humanitarian assistance (hereinafter referred to as the Commission) - advisory and advisory body under the Government of the Republic of Kazakhstan on international humanitarian assistance, formed to develop proposals on issues within the competence of the Government of the Republic of Kazakhstan;

7) recipient of humanitarian assistance:

when providing humanitarian assistance to the Republic of Kazakhstan - a foreign state receiving humanitarian assistance;

in the provision of humanitarian assistance to the Republic of Kazakhstan - the Republic of Kazakhstan receiving humanitarian assistance;

8) personnel for the provision of humanitarian assistance (hereinafter referred to as personnel) - a representative or representatives of the relevant central government body sent to a foreign country for the transfer of humanitarian assistance in commercial form.

Footnote. Paragraph 2 with amendments introduced by the Government of RK from 13.06.2024 № 468 (enacted after ten calendar days after the date of its first official publication).

3. Humanitarian assistance shall be provided in cash or commodity form and (or) in the form of services.

Humanitarian assistance in commodity form shall not include weapons and military equipment that could be used to cause serious bodily harm or death.

The sale (trade, donation, exchange) of humanitarian aid provided to the Republic of Kazakhstan shall be prohibited.

Humanitarian assistance in the form of services shall be carried out by sending rescue and medical units of authorized bodies in the field of civil protection and healthcare.

Footnote. Paragraph 3 - as amended Decree of the Government of the Republic of Kazakhstan dated 21.10.2023 № 932 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

4. Humanitarian assistance must comply with safety requirements, including quarantine and phytosanitary requirements established by the legislation of the Republic of Kazakhstan.

The shelf life of goods sent for humanitarian assistance by the Republic of Kazakhstan should not be less than 6 (six) months before the expiration of the storage period if these periods are established by technical regulations.

Footnote. Paragraph 4 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 20.12.2023 № 1158 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Chapter 2. Procedure for the provision of humanitarian assistance by the Republic of Kazakhstan

Paragraph 1. Consideration of humanitarian assistance

5. The grounds for considering the issue of humanitarian assistance shall be appeals from a foreign state or an international organization or instructions from the President of the Republic of Kazakhstan.

6. Authorized body in the field of foreign policy activities:

1) if an appeal for humanitarian assistance is received within three working days, send information about the appeal to the Prime Minister of the Republic of Kazakhstan and (or) the Chairman of the Commission;

2) request from the recipient of humanitarian assistance the details necessary for the provision of humanitarian assistance within three working days from the moment of the occurrence of the grounds provided for in paragraph 5 of these Rules.

7. Consideration of the appeal or instructions of the President of the Republic of Kazakhstan on the provision of humanitarian assistance shall be carried out by the Commission.

8. Meetings of the Commission shall be held in accordance with the Regulations on the Commission approved by the order of the Prime Minister of the Republic of Kazakhstan.

9. Proposals on the possibility of providing humanitarian assistance, as well as its type, nomenclature and volume, shall be submitted by authorized bodies in the field of foreign policy activities, budget execution, in the field of civil protection, in the field of state material reserve, in the field of transport and other interested bodies to the working body of the Commission no later than three working days before the date of the meeting of the Commission.

10. When considering an appeal or order from the President of the Republic of Kazakhstan for the provision of humanitarian assistance, the Commission shall take into account the foreign policy and foreign economic interests of the Republic of Kazakhstan, the financial possibilities of providing such assistance, including the release of material assets

from the state material reserve, as well as the possibility of sending personnel, rescue and medical units of authorized bodies in the field of civil protection and health care to provide humanitarian assistance.

Footnote. Paragraph 10 - as amended Decree of the Government of the Republic of Kazakhstan dated 21.10.2023 № 932 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

11. In the presence of a positive recommendation of the Commission for the provision of humanitarian assistance, the relevant central state body shall be developing a draft decision of the Government of the Republic of Kazakhstan on the provision of humanitarian assistance and, in accordance with the procedure established by the Law, shall submit it to the Government of the Republic of Kazakhstan.

12. The decision to provide humanitarian assistance shall be made by the Government of the Republic of Kazakhstan.

Paragraph 2. Procedure for the provision of humanitarian assistance

13. To organize the provision of humanitarian assistance:

1) authorized body in the field of foreign policy activities shall:

take measures through diplomatic channels to ensure assistance from the authorities of the recipient of humanitarian assistance, and, if necessary, from the authorities of third states in the implementation of measures for the delivery and transfer of humanitarian assistance to its recipient;

ensure, if necessary, the participation of personnel in the transfer of humanitarian aid in commodity form;

ensure interaction with national and international structures created to coordinate emergency response efforts;

assist authorized bodies in the field of civil protection and healthcare in the direction and return of rescue and medical units;

2) the authorized body in the field of transport shall ensure the delivery of humanitarian aid in commodity form to the recipient of humanitarian aid, except for delivery by air.

In the case of delivery of humanitarian aid in commodity form by air, delivery to the recipient of humanitarian aid shall be carried out by the relevant central government body in the manner prescribed by law.

Coordination of the delivery of humanitarian aid in commodity form and (or) the direction and return of rescue and medical units of authorized bodies in the field of civil protection and healthcare by air transport shall be carried out by the authorized body in the field of transport;

3) the authorized body on customs affairs shall ensure that customs administration and customs control with regard to goods imported and exported as humanitarian aid are carried out on a priority basis;

4) the central authorized body for budget execution provide financing of expenses from the emergency reserve of the Government of the Republic of Kazakhstan for the provision of humanitarian assistance;

5) the authorized body in the field of the state material reserve ensure the release of material assets from the state material reserve for the provision of humanitarian assistance.

In the absence of the necessary goods in the state material reserve, the provision of humanitarian assistance shall be provided by the relevant central state body.

6) The authorized body in the field of civil protection shall form rescue units to provide humanitarian assistance;

7) The authorized body in the field of healthcare shall form medical units to provide humanitarian assistance.

Footnote. Paragraph 13 as amended by Decree of the Government of the Republic of Kazakhstan dated 21.10.2023 № 932 (shall come into effect upon expiration of ten calendar days after the day of its first official publication); dated 13.06.2024 № 468 (enacted after ten calendar days after the date of its first official publication).

14. To provide humanitarian assistance in accordance with the Rules for the use of reserves of the Government of the Republic of Kazakhstan and local executive bodies, approved by resolution of the Government of the Republic of Kazakhstan dated April 25, 2015 № 325 (hereinafter referred to as the Rules for the use of reserves), funds shall be allocated from the reserve of the Government of the Republic of Kazakhstan in cases:

1) absence of necessary goods from the relevant central state body for their purchase in accordance with the legislation of the Republic of Kazakhstan;

2) payment of customs payments in accordance with the legislation of the Republic of Kazakhstan;

3) procurement of humanitarian assistance delivery services in commercial form by air in accordance with the legislation of the Republic of Kazakhstan.

4) directions of rescue and medical units of authorized bodies in the field of civil protection and healthcare.

Footnote. Paragraph 14 as amended by the Decree of the Government of the Republic of Kazakhstan dated 21.10.2023 № 932 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

15. To organize the provision of humanitarian assistance in commercial form, the authorized body in the field of foreign policy activities send the details of the recipient of humanitarian assistance to the relevant central state body within three working days from the date of their receipt.

16. The relevant central state body shall, within three working days after the decision of the Government of the Republic of Kazakhstan on the provision of humanitarian assistance, submit to the authorized body in the field of transport the necessary information on the type, type and quantity of transport, loading schedule, loading points and destinations.

17. Humanitarian assistance in commercial form shall be accepted by transport organizations for transportation as a matter of priority without prior payment.

18. The central government body concerned shall coordinate humanitarian assistance and, in the case of commercial humanitarian assistance, shall send personnel to a foreign country for transfer.

19. The transfer of humanitarian assistance in commercial form shall be carried out by personnel on the basis of the act of acceptance.

20. Reimbursement of the costs of transport organizations for the transportation of humanitarian aid in commodity form, as well as costs associated with the dispatch and delivery of material assets, the dispatch of rescue and medical units of authorized bodies in the field of civil protection and healthcare, shall be carried out in accordance with the Rules for the use of reserves.

Footnote. Paragraph 20 - as amended Decree of the Government of the Republic of Kazakhstan dated 21.10.2023 № 932 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

21. The use of the state material reserve for the provision of humanitarian assistance is carried out in accordance with the procedure provided for by the Law.

22. The provision of humanitarian assistance in cash shall be carried out at the expense of the emergency reserve of the Government of the Republic of Kazakhstan in the manner determined by the Rules for the use of reserves.

23. The transfer of funds for the provision of humanitarian assistance shall be carried out by the authorized body in the field of foreign policy activities on the basis of the decision of the Government of the Republic of Kazakhstan after the official submission of the account details by the recipient of humanitarian assistance.

24. The authorized body in the field of foreign policy activities shall submit to the central authorized body for budget execution and the corresponding central state body information on the receipt of humanitarian assistance provided by the recipient.

Chapter 3. Provision of humanitarian assistance to the Republic of Kazakhstan Paragraph 1. Procedure for sending a request for humanitarian assistance

25. The Prime Minister of the Republic of Kazakhstan or the Deputy Prime Minister of the Republic of Kazakhstan, the authorized body in the field of foreign policy activities shall appeal to foreign countries and international organizations on the provision of humanitarian assistance to the Republic of Kazakhstan.

Humanitarian assistance to the Republic of Kazakhstan can be provided on an initiative basis from foreign countries and international organizations.

26. The appeal shall indicate the description, characteristics, requirements for humanitarian assistance, the place of delivery or location of the recipient of humanitarian assistance provided to the Republic of Kazakhstan.

27. When importing goods into the Republic of Kazakhstan in the form of humanitarian assistance sent from foreign countries and international organizations, the following documents shall be submitted:

- 1) invoice;
- 2) packing list indicating net and gross weight for each item of goods;
- 3) instructions for medical or other use of the goods;
- 4) a document on conformity assessment in the forms of tests, confirmation of conformity, expertise and (or) other form confirming the quality and safety of the goods.

28. Goods sent in the form of humanitarian assistance to the Republic of Kazakhstan shall be the property of foreign countries and international organizations until its actual transfer to the recipient in the Republic of Kazakhstan.

29. To obtain humanitarian assistance in the form of medicines and medical devices from foreign countries and international organizations, it shall be necessary to obtain the approval of the authorized health authority in terms of the need, names and amount of humanitarian assistance provided.

30. In order to prevent the threat of the emergence and spread of infectious diseases that threaten the life and (or) health of the population, the reception, storage, delivery and distribution of humanitarian assistance in the form of medicines and medical devices is carried out by an authorized organization determined by an authorized health authority.

Paragraph 2. Procedure for receiving and distributing humanitarian assistance

31. In case of consideration and readiness to render humanitarian aid to the Republic of Kazakhstan or initiative appeal from foreign countries and international organizations on rendering humanitarian aid to the Republic of Kazakhstan, the authorized body in the sphere of foreign policy activity within the term not more than one working day shall send information to the central state body of the corresponding branch for development of proposals on acceptance and distribution of humanitarian aid rendered to the Republic of Kazakhstan.

Footnote. Paragraph 31 in the wording of the resolution of the Government of RK from 13.06.2024 № 468 (enacted after ten calendar days after the day of its first official publication).

31-1. The central state body of the relevant branch shall send a request for consent in acceptance and distribution of humanitarian aid provided to the Republic of Kazakhstan to the Government of the Republic of Kazakhstan within no more than two working days from the date of receipt of information of the authorized body in the sphere of foreign policy activity. The request shall specify the description, characteristics, place of delivery, relevant authorized organization and proposals for distribution of humanitarian aid provided to the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by paragraph 31-1 in accordance with the Government Decree of RK from 13.06.2024 № 468 (enacted after ten calendar days after the day of its first official publication).

32. Based on the results of consideration of the request of the central state body of the relevant sector, the Prime Minister of the Republic of Kazakhstan or the Deputy Prime Minister of the Republic of Kazakhstan shall, by an appropriate resolution, agree or refuse to accept and distribute humanitarian aid provided to the Republic of Kazakhstan.

Footnote. Point 32 - in the wording of the resolution of the Government of RK from 13.06.2024 № 468 (enacted after ten calendar days after the day of its first official publication).

33. The authorized organization carries out reception and distribution of humanitarian aid with the participation of representatives of the relevant central state body and (or) local executive bodies.

The distribution of humanitarian assistance shall be strictly for its intended purpose.

Footnote. Paragraph 33 with amendments introduced by the Government of RK from 13.06.2024 № 468 (enacted after ten calendar days after the date of its first official publication).

34. The relevant central government body shall coordinate the reception and distribution of humanitarian assistance.

35. Temporary storage, delivery of humanitarian assistance shall be carried out by an authorized organization and (or) local executive bodies in accordance with the established sanitary standards for accommodation and storage.

36. The import of goods, with the exception of excisable, as humanitarian assistance, shall be carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan.

37. The distribution of international humanitarian assistance in the area where the state of emergency has been introduced shall be carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan.

38. The relevant central state body, after the distribution of humanitarian assistance by the authorized organization, shall provide information on the distribution of humanitarian assistance to the Government of the Republic of Kazakhstan no later than seven working days