

## **On approval of the Rules for activities of administrative bodies to establish uniformity of administrative procedures**

### *Unofficial translation*

Resolution of the Government of the Republic of Kazakhstan dated February 28, 2025 № 111

In accordance with Article 15-1 of the Administrative Procedural Code of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan **DECIDES**:

1. To approve the attached Rules for activities of administrative bodies to establish uniformity of administrative procedures.
2. This resolution shall enter into force from the date of its signing.

*Prime-Minister of the  
Republic of Kazakhstan*

*O. Bektenov*

Approved  
by the Resolution of the Government of  
the  
Republic of Kazakhstan  
dated February 28, 2025 № 111

## **The Rules for activities of administrative bodies to establish uniformity of administrative procedures Chapter 1. General provisions**

1. These Rules for activities of administrative bodies to establish uniformity of administrative procedures (hereinafter referred to as the Rules) have been developed in accordance with Article 15-1 of the Administrative Procedural Code of the Republic of Kazakhstan (hereinafter referred to as the APC) and define the procedure for the formation of uniformity of administrative procedures, including administrative acts and administrative practice.

For the purposes of these Rules, administrative bodies are understood to mean central executive bodies and their departments, as well as local executive bodies of regions, cities of republican significance and the capital, districts (towns of regional significance).

2. Uniformity of administrative practice should be understood as the actions of administrative bodies and officials to make decisions that comply with legal norms and legal principles, taking into account the applied administrative procedures in accordance with Article 15-1 of the APC and previously adopted administrative acts on similar issues, ensuring consistency and stability in law enforcement.

3. The objectives of the formation of uniformity of administrative practice are to strengthen legal certainty, reduce corruption risks, simplify and optimize administrative procedures, as well as increase confidence in administrative authorities.

4. The objectives of the formation of uniformity of administrative practice are the establishment of uniform standards for the application of legal norms, increasing the predictability of decisions taken by administrative authorities, systematization of administrative practice, as well as monitoring the implementation of these Rules.

5. Administrative authority:

1) formulates the uniformity of administrative procedures and administrative acts in accordance with these Rules;

2) develops a manual on the implementation of administrative procedures (hereinafter referred to as the manual), which contains information on the procedure for the implementation of administrative procedures provided for by the current legislation of the Republic of Kazakhstan;

3) develops and approves standard forms (samples), forms of administrative acts;

4) carries out an analysis of the implementation of administrative procedures and administrative acts on the application of the same legal norms to resolve similar issues, identify cases and reasons for the adoption of various administrative acts, as well as analyze the practice of appealing decisions and actions (inaction) of state bodies, taking into account the results of their judicial review;

5) takes measures to establish uniformity of administrative procedures and administrative acts, ensuring a clear and non-interpretable meaning of administrative acts;

6) takes measures for regular training and advanced training of employees involved in the implementation of administrative procedures, in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

7) determines for itself the target indicators aimed at an annual reduction in the proportion of administrative acts and (or) actions recognized as illegal on the basis of a court decision that has entered into force.

Target indicators are determined on the basis of statistical data for the past years, taking into account the decomposition of key national indicators of the National Development Plan of the Republic of Kazakhstan until 2029 and are approved by the head of the administrative body.

## **Chapter 2. Formation of uniformity of administrative practice**

6. The formation of uniformity of administrative practice is carried out by developing a manual and then posting it in the "Knowledge Base" of the Electronic Appeals information analytical system (hereinafter referred to as the "Knowledge Base").

7. In order to create uniformity, taking into account the requirements of documentation, document management and the use of electronic document management systems, standardized procedures are being developed for processing applications, making decisions

and executing administrative acts. This includes the unification of administrative procedures provided for by the legislation of the Republic of Kazakhstan in the management and creation of universal forms for various types of administrative cases.

If the legislation of the Republic of Kazakhstan does not provide for the form of an administrative act, the administrative body develops and approves standard forms (samples), forms of administrative acts in order to create uniformity and simplify interaction between citizens and administrative bodies.

8. In order to implement the guidelines, administrative authorities diagnose administrative procedures on the platform of the Electronic Appeals information and analytical system (hereinafter referred to as the "IAS" Electronic Appeals") in order to approve the list of administrative procedures in accordance with Appendix 1 to these Rules. The list does not include administrative procedures for the provision of public services.

Through an analysis of the practice of implementing administrative procedures and regulatory regulation, the administrative procedure is updated on the IAS "Electronic Appeals" platform.

9. The guidelines are drawn up in accordance with Annex 2 to these Rules, approved by the head of the administrative body and updated through an analysis of the practice of administrative procedures and regulatory regulation to bring them in line with the requirements of the legislation of the Republic of Kazakhstan and should contain:

- 1) the sequence of the administrative procedure;
- 2) samples of forms and documents submitted by citizens in the framework of the administrative procedure;
- 3) the rules of decision-making in the implementation of the administrative procedure;
- 4) the mechanism of appeal in court, including pre-trial settlement;
- 5) information about an administrative act or administrative action resulting from an administrative procedure.

10. The head of staff of the central and local executive bodies, and in the department of the central executive body – its head, organize work on the development of guidelines, which includes the analysis of:

- 1) administrative procedures for compliance with the requirements of the legislation of the Republic of Kazakhstan;
- 2) approved guidelines for the established procedure for the implementation of administrative procedures;
- 3) the activities of the administrative body for the implementation of administrative procedures for their compliance with the guidelines.

11. The approved manual should be posted in the "Knowledge Base".

The structural unit of the administrative body responsible for filling the "Knowledge Base" conducts on a systematic basis (at least once a quarter) the analysis and verification of

compliance of the posted data with the requirements of the current legislation of the Republic of Kazakhstan.

12. Other structural divisions of the administrative body provide information on changes and additions to the manual to the division of the administrative body responsible for filling the "Knowledge Base" in accordance with the regulations of the administrative body.

13. Administrative authorities shall ensure the observance of uniformity of administrative practice on an ongoing basis.

In case of detection of inconsistencies and/or violations in law enforcement practice, the administrative authorities take the necessary measures to eliminate them, including updating the guidelines.

The guidelines must be updated within three months from the date of the change in the procedure for the implementation of the administrative procedure. Problems and suggestions for improving law enforcement practice are taken into account when further improving administrative practice.

The procedure for analyzing and taking measures to ensure uniformity of administrative practice and eliminate inconsistencies in the guidelines is determined by the regulations of the administrative body.

14. Administrative bodies monitor administrative practice and take into account the definitions of all applicable sources of law, including legal principles, regulatory rulings of the Constitutional Court of the Republic of Kazakhstan, the Supreme Court of the Republic of Kazakhstan, as well as applied administrative procedures and previously adopted administrative acts on similar issues.

15. When carrying out an administrative procedure, in order to eliminate legal uncertainties or controversial situations, administrative authorities take into account the legal positions of the courts set out in judicial acts, generalizations of judicial practice containing recommendations on law enforcement.

16. Administrative bodies on a semi-annual basis, by June 10 and December 10, annually provide high-quality and complete information on the generalization of administrative practice to the Ministry of Justice of the Republic of Kazakhstan in accordance with Annex 3 to these Rules, which is filled in in accordance with the methodological guidelines for the generalization of administrative practice provided for in Annex 4 to these Rules.

Annex 1 to the Rules for  
activities of administrative bodies  
to establish uniformity of  
administrative procedures

	Name of the administrative procedure/where the	The format of the administrative procedure and the information system	The administrative body/official who carries out	The body reviewing	How is the procedure for appealing a decision/action implemented	A specific reference to a law or
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Scope of legislation	administrative procedure is regulated	through which the administrative procedure is conducted (if available)	the administrative procedure	the complaint	? Is the decision recommendatory or mandatory	Terms of possible appeal	other regulatory legal act
1	2	3	4	5	6	7	8

Annex 2 to the Rules for activities of administrative bodies to establish uniformity of administrative procedures

Guidelines for the implementation of the administrative procedure		
Name of the administrative procedure		
1	Name of the administrative body, full name of the official carrying out the administrative procedure	
2	Information system for receiving an application and (or) issuing an administrative act	
3	Form of consideration	
4	Schedule of work of the administrative body and information system	
5	A regulatory legal act regulating the implementation of an administrative procedure	
6	List of documents required for consideration	
7	Review period	
8	State duty rate (if any)	
9	Review procedure	
10	Review result	
11	Grounds for satisfaction	
12	Grounds for refusal of satisfaction	
13	The appeal procedure, taking into account the specifics of industry laws and other regulations	
14	The requirements of the APC applied in the framework of the administrative procedure	
15	Features related to judicial practice	
16	Other requirements, taking into account the specifics of the issue being addressed	

Annex 3 to the Rules for

activities of administrative bodies  
to establish uniformity of  
administrative procedures

No	SB	Case status * the court's decision has entered into legal force; pending (the act instance);	Adopted administrative act *it is necessary to state the name of the act, its content (which the act provides for) and the date of its adoption	There was/was not a pre-trial hearing. If it was, by whom it was carried out, which act was issued under Article 100 of the CPC * it is necessary to state why the complaint was not satisfied.	Reasons for the trial* it is necessary to state the plaintiff's claims and his arguments, indicating the full name or the name of the organization	The decision of the court of first instance (case number and date of decision) * it is necessary to state which decision the court made and its contents (in brief, the motivational and operative part). If it is appealed, it is necessary to state the arguments of the state agency about the disagreement.
1	2	3	4	5	6	7

Continuation of the table

The decision of the court of appeal (case number and date of decision) * it is necessary to state which decision the court made and its contents (in brief, the reasoning and the operative part). If it is appealed, it is necessary to state the arguments of the state agency about the disagreement.	The decision of the court of cassation (case number and date of decision) * it is necessary to state which decision the court made and its contents (in brief, the motivational and operative part)	Reasons for the cancellation of an administrative act (by a court decision that has entered into legal force) *it is necessary to state in connection with what the administrative act was canceled, the main arguments of the court	Have preventive measures been taken in similar cases after the court's decision* it is necessary to analyze whether there are similar cases and whether preventive measures are being taken	Have measures been taken to eliminate the causes and conditions that contributed to the adoption of an illegal administrative act * for example, changes have been made to standards, instructions, etc., to prevent similar cases in the future, or law enforcement practice has been revised	Private definitions in the framework of judicial review (if any): what is accepted by the SB for their execution * it is necessary to state the content of the private definition, what it provides for and whether it has been executed. If a complaint is filed, it is necessary to state the arguments of the state agency about the disagreement.
8	9	10	11	12	13

## **Methodological guide to the generalization of administrative practice**

The methodological guide to summarizing administrative practice has been prepared in order to establish a unified approach to summarizing administrative practice (hereinafter referred to as the summary) and is intended for the legal services of government agencies, as well as other structural units directly involved in this process.

The summary is carried out at least once every six months in order to analyze the law enforcement practice in administrative cases considered in court, including the implemented administrative procedures and adopted administrative acts for their compliance with the requirements of uniform administrative practice.

A generalization is an analysis of regulatory regulation, law enforcement and judicial practice in a particular administrative procedure, identifying shortcomings and developing appropriate recommendations.

A generalization is carried out to identify:

- 1) different administrative practices, which refers to the different application of the same legal norms to resolve similar issues;
- 2) administrative procedures and acts that are most often appealed in court;
- 3) the reasons and conditions of losses in court in each case;
- 4) court cases in which an administrative body most often loses in court in cases with similar circumstances;
- 5) shortcomings in both regulatory regulation and law enforcement practice, leading to legal disputes and losses in court;
- 6) the measures taken to "correct" administrative practices.

The generalization is carried out as follows:

- 1) in order to collect information on the generalization of administrative practice, the legal service of the state body sends a request to the structural divisions of the state body with the table provided for in Appendix 3 to these Rules;
- 2) the structural unit or the legal service fills in the table for the reporting period;
- 3) the legal service (with the assistance of structural divisions) examines each court decision in each case indicated in the summary table;
- 4) when generalizing, special attention is paid to the court's decision, namely the reasoning part of the decision;
- 5) after studying the court's decision, the legal services review all the circumstances of the case, including the administrative act, administrative action (inaction) of the state body, which served as the basis for a private individual's appeal to the court;

6) when considering the circumstances of a case, they should be compared with the requirements of current legislation in order to identify illegality in the activities of a state body;

7) in lost cases, it is necessary to establish the causes and conditions of losses, identify deficiencies in regulatory regulation or law enforcement practice;

8) if deficiencies are identified, it is necessary to reflect information about the measures taken or make suggestions for their elimination;

9) after completing the above actions, the legal service enters the relevant information in the table;

10) based on the results of filling out the table, the legal service generates a report summarizing the results of the generalization of administrative practice (the report should contain information on the number of administrative cases pending during the reporting period, the number of decisions both in favor of the state body and against, the areas of activity of the state body in which the court proceedings were conducted; identified disadvantages, suggestions for their elimination, and so on).