



On approval of the Rules and composition of the appeals commission

Invalidated Unofficial translation

Order Acting Of the Minister of Health of the Republic of Kazakhstan of August 6, 2018 № MZ-5. Registered in the Ministry of Justice of the Republic of Kazakhstan on September 10, 2018 № 17356. Abolished by Order of the Minister of Health of the Republic of Kazakhstan dated June 26, 2023 No. 119

Unofficial translation

Footnote. Abolished by Order of the Minister of Health of the Republic of Kazakhstan dated June 26, 2023 No. 119 (effective ten calendar days after the date of its first official publication).

In compliance with paragraph 2 of Article 21-2 of the Code of the Republic of Kazakhstan dated September 18, 2009 "On Public Health and Healthcare System" I hereby ORDER:

1. To approve:

- 1) the Rules of the Appeals Commission in accordance with Appendix 1 to this order;
- 2) the composition of the Appeals Commission in accordance with Appendix 2 to this order.

2. Public Health Committee of the Ministry of Health of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan shall:

- 1) ensure state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
- 2) within ten calendar days from the date of State registration of this order, send its copy both in the Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;
- 3) place this order on the Internet resource of the Ministry of Healthcare of the Republic of Kazakhstan after its official publication;
- 4) within ten working days after the state registration of this order submit the information to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan on the execution of measures, provided by subparagraphs 1), 2), and 3) of this paragraph.

3. Control over the execution of this order I shall reserve for myself.

4. This order shall be enforced after ten calendar days from the date of its first official publication.

*Acting
Minister of Healthcare
of the Republic of Kazakhstan*

A. Choi

Appendix 1
to order № MZ-5 of Acting
Minister of Healthcare
of the Republic of Kazakhstan
dated August 6, 2018

Rules of Appeals Commission

1. The Appeals Commission (hereinafter the Commission) shall carry out its activities in accordance with the Code of the Republic of Kazakhstan dated 18 September 2009 "On Public Health and Healthcare System "and shall regulate the procedure and terms of submission, consideration of complaints on the Act on the results of the inspection by officials carrying out state sanitary-epidemiological control and supervision.

2. The Chairman of the Commission shall appoint the date and time of the meeting of the Commission from the day of receipt of the complaint on the results of the inspection to the state body in the field of sanitary and epidemiological welfare of the population.

3. The Commission shall not consider complaints submitted to the office after three months after the date of the inspection and supervision by the subject with the Act on the results of the inspection.

4. A complaint against the Verification act shall be communicated by the Secretary of the Commission to its members no later than three working days prior to the appointment of the date of the meeting of the Commission.

5. The Meeting of the Commission shall be open after the opening speech of the Chairman.

6. A meeting of the Commission shall be deemed to have taken place at least half of the Commission's membership.

7. The decision of the Commission shall be taken by just majority.

8. Only members of the Commission have the right to vote.

9. Each member of the Commission shall have only one vote.

10. With equal votes, the final decision shall be taken by the Chairman of the Commission.

11. Information constituting commercial secret, official, other secret protected by the Law, received by the members of the Commission in the exercise of their functions, shall not be disclosed.

12. A complaint against an act of verification shall be considered by the Commission within the scope of the questions to be appealed to the Verification act.

13. The period of consideration of the complaint on the inspection results shall be ten working days from the date of receipt.

14. The Commission shall make the following recommendations as a result of its review of the complaint against the Verification Act:

Leaving the appealed Act on the results of the inspection without modification, and the complaint without satisfaction;

Cancellation of the appealed Act on the results of the inspection in full or in part of the results of the inspection, which shall have rendered in violation.

15. The results of the Commission's inspection of the complaint against the Verification Act shall not preclude the submission of a complaint to the court.

16. Recourse to the Court in the manner prescribed by the legislation of the Republic of Kazakhstan shall suspend consideration of the complaint on the results of the inspection by the Commission before the court decision.

17. The results of the Commission meeting shall be issued by the minute with necessary documents.

18. The minute shall indicate the composition of the Commission, the invited persons, the place, time and date of its meeting, the positions expressed by the members of the Commission and, if invited experts, their views.

19. The draft of the minute shall be agreed upon by the members of the Commission participating in its meeting.

20. The minute shall be signed by the Chairman of the Commission and shall be announced to the applicant and the officers (s) who shall have issued the verification certificate within three working days from the date of the decision.

Appendix 2
to order № MZ-5 of Acting
Minister of Healthcare
of the Republic of Kazakhstan
dated August 6, 2018

Composition of the Appeals Commission

Chairman of the Public Health Protection Committee of the Ministry of Healthcare of the Republic of Kazakhstan;

Deputy Chairman of the Public Health Protection Committee of the Ministry of Healthcare of the Republic of Kazakhstan – Deputy Chairman of the Commission;

Members of the Commission:

Representative of the Public Health Protection Committee of the Ministry of Health of the Republic of Kazakhstan;

Representative of the Public Health Protection Committee of the Ministry of Healthcare of the Republic of Kazakhstan;

Representative of the Public Health Protection Committee of the Ministry of Healthcare of the Republic of Kazakhstan;

Representative of the National Chamber of Entrepreneurs of the Republic of Kazakhstan "Atameken" (by agreement);

Representative of the National Chamber of Entrepreneurs of the Republic of Kazakhstan "Atameken" (by agreement).