

On approval of the Rules for the establishment of security organizations by national companies

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated August 4, 2011 № 909

Unofficial translation

Footnote. Title in the wording of the resolution of the Government of the RK 21.02.2018 № 70 (shall be enforced upon expiry of twenty one calendar days after its first official publication)

In accordance with Article 17-1 of the Law of the Republic of Kazakhstan “On Security Activities” dated October 19, 2000 the Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

1. To approve the attached Rules for the establishment of security organizations by national companies.

2. Recognized as invalid by the resolution of the Government of the RK 09.11.2012 № 1421 (shall be enforced upon expiry of twenty one calendar days after its first official publication)

3. This resolution shall be enforced from January 22, 2012

Prime Minister of the Republic of Kazakhstan

K.Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated August 4, 2011 № 909

Rules

for the establishment of security organizations by national companies

1. These Rules for the establishment of security organizations by national companies (hereinafter referred to as the Rules) have been developed in accordance with Article 17-1 of the Law of the Republic of Kazakhstan dated October 19, 2000 "On Security Activities" (hereinafter referred to as the Law).

2. A national company may establish a security organization only if it is included in the list of national companies approved by the Government of the Republic of Kazakhstan.

3. The establishment of a security organization by national companies shall be permissible under the following conditions:

1) the security organization may be a subsidiary of a national company carrying out activities other than security;

2) the founders (participants) of the security organization shall be the founders or officials of the national company, in respect of which the security services of the created organization shall be provided;

3) the founder (participant) of the security organization shall be the national company, in respect of which the security services of the created organization and the legal entities affiliated with it shall be provided.

4. The establishment of security organizations by national companies shall be previously agreed with the authorized body for the control of security activities in the territory of the Republic of Kazakhstan (hereinafter referred to as the authorized body).

5. In order to agree on the establishment of the security organization, the national company shall submit to the authorized body the following documents:

1) an application to agree on the establishment of a security organization in an arbitrary form;

2) prior consent of the antitrust authority to establish a security organization established by a national company in accordance with the Business Code of the Republic of Kazakhstan;

3) copies of the constituent documents confirming compliance of the applicant with the conditions established by paragraph 3 of these Rules;

4) list of objects (name, location), including objects of subsidiaries planned for transfer to the protection of the established security organization.

Footnote. Paragraph 5 as amended by the resolution of the Government of the RK 21.02.2018 № 70 (shall be enforced upon expiry of twenty one calendar days after its first official publication)

6. The documents submitted shall be accepted by the authorized inventory body, a copy of which shall be handed over to the applicant.

If an incomplete package of documents is submitted, the authorized body shall return them to the applicant within two working days to eliminate the defects. Documents shall be considered in accordance with the requirements of these Rules when the applicant eliminates defects.

Footnote. Paragraph 6 in the wording of the resolution of the Government of the RK 21.02.2018 № 70 (shall be enforced upon expiry of twenty one calendar days after its first official publication)

7. The authorized body shall consider them within twenty working days from the date of submission of the full package of documents, after which it shall send the national company approval to the establishment of the security organization or a reasoned refusal in writing.

A reasoned refusal to establish a security organization by a national company shall be issued by an authorized body if:

1) non-conformity of the applicant with paragraph 2 of these Rules;

(2) to provide false information provided for in paragraph 5 of subparagraphs 2), 3) and 4) of these Rules.

In case of refusal to establish a security organization, the national company shall have the right to resubmit the documents to the authorized body in accordance with the requirements of these Rules.

8. A national company cannot be the founder of more than one security organization.

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