

On touristic activity in the Republic of Kazakhstan

Unofficial translation

The Law of the Republic of Kazakhstan dated 13 June, 2001 No. 211.

Unofficial translation

Footnote. Through the whole text, word “touristic organization” is substituted respectively by the word “persons, carrying out touristic activity” by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Footnote. Through the whole text the words "(of guide-translators)", "(guide-translators)", "(of the guide-translator)", "(by the guide-translator)", "(guide-translator)" excluded by the Law of the RK dated 30.04.2021 № 34-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

This Law determines legal, economic, social, organizational bases of touristic activity as one of the branches of the economy of the Republic of Kazakhstan.

Chapter 1. General provisions

Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);

1-1) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);

2) guide – an individual carrying out activities in the Republic of Kazakhstan as an individual entrepreneur or an employee, professionally trained for provision of informational and (or) organizational services to tourists;

2-1) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);

2-2) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);

2-3) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);

3) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);;

3-1) touristic operator activity in the field of inbound tourism – entrepreneurial activity of individuals or legal entities licensed for the given type of activity, in the formation of a tourist

product, its promotion and sale to tourists who do not permanently reside in the territory of the Republic of Kazakhstan, including through touristic agents;

3-2) insurance certificate – a document certifying the existence of valid insurance coverage in respect of the insured and containing information on the conditions of insurance coverage for insurance risks accepted for insurance, issued by the insurer in support of the concluded insurance contract (insurance policy);

4) tour – complex of touristic services including travels on special itinerary within specified terms;

5) tourism – temporary stay of a tourist on a trip, not associated with the change of the permanent place of residence;

5-1) tourism infrastructure – a set of organizations, a complex of facilities and networks for industrial, social and recreational purposes, intended for the functioning of the tourism sector and meeting the needs of a tourist;

6) tourism instructor – professionally prepared individual, carrying out activities in the Republic of Kazakhstan as an individual entrepreneur or an employee, having relevant qualification and experience of passing of tour itinerary;

7) tourist – individual, visiting the country (place) of temporary stay on period from twenty four hours until one year and carrying out no less than one overnight stop in it in healthful, cognitive, professional and business, sportive, religious and other purpose without performing paid activity;

7-1) touristification map – territories of republican and regional levels which are a tourist attraction;

8) places of tourists placement – hotels, motels, camping, touristic bases, guest houses, rest houses, holiday hotels and other buildings and constructions are used for tourists residing and their catering;

8-1) touristic agent (hereinafter referred to as the tour agent) – an individual or legal person carrying out travel agency activities;

9) touristic agency activity (hereinafter referred to as the travel agency activity) – entrepreneurial activity of individuals and (or) legal entities on progression and realization of tourist product formed by tour operator of the Republic of Kazakhstan on the basis of an agency agreement for implementation of a tourist product, without the right to add additional services, as well as activities on provision tourists with services, which are not a tourist product;

10) touristic voucher – document confirming a right of tourist on services included in structure of tour and fact of their payment;

11) excluded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication);

11-1) touristic code – a unique number assigned to a tourist by a tour operator in the field of outbound tourism, which guarantees the obligations of the tour operator in the framework of organized outbound tourism;

12) touristic activity - entrepreneurial activity of individuals and legal entities on provision of touristic services;

13) tourist services - services necessary to meet the needs of the tourist, provided during his travel and in connection with this trip (accommodation, transportation, meals, excursions, services of tourism instructors, guides (guide-interpreters), and other services, provided by the contract of tourist services, depending on the purpose of the trip;

13-1) compensation of tourist services – reimbursement by the employer of the employee's expenses for tourist services provided in the territory of the Republic of Kazakhstan;

Footnote. Article 1 was amended with a subclause 13-1) in accordance with the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced after the date of entry into force of the relevant amendments and additions to the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code)).

14) treaty on tourist services – agreement between person carrying out touristic activity and tourist on refundable rendering of touristic services;

15) persons, carrying out touristic activity – tour agents, tour operator, tourism instructors as well as guides (guide-interpreter), cicerones rendering touristic services independently;

16) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015);

17) tour itinerary – the route of the tourist to meet his needs, which is developed by the touristic operator and includes visiting objects of tourist activity with detailed regulation of such a visit (transport used, stopping places, objects of visit, accommodation places, medical care in emergency cases and other conditions);

18) state register of tour itineraries and pathways – document of record of our itineraries and pathways;

19) touristic operator activity (tour operator activities) – entrepreneurial activity of individuals and (or) legal entities having license for a given type of activity on formation, promotion and sale of tourist product in the field of inbound and domestic tourism to tourists, including through tour agents;

19-1) touristic operator (hereinafter referred to as the tour operator) – an individual or legal person carrying out tourism operator activities, tourist operator activities in the field of domestic, inbound or outbound tourism;

20) tourist product – a complex of all necessary touristic services sufficient to meet the needs of a tourist during a trip;

21) progression of touristic product – complex of measures (publicity, participation in particularized exhibitions and expositions, organization of touristic informational centers on

realization of touristic production, publication and expansion of catalogs and booklet directed on rendering of touristic services;

22) touristic resources - natural and climatic, historical, social and cultural, healthful objects, including objects of touristic demonstration as well as other objects able to satisfy cultural needs of tourists support recovery and developments of their physical strength;

23) touristic market - circulation of commodities (works, services) and money in the scope of touristic activity;

24) touristic branch – branch of economy, basic scope of activity of which is rendering of touristic services, creation of touristic product, their progression and realization on internal and international markets;

25) emergency event with a tourist - non-return from travel of tourist, as well as event on special territory during travel occurred in the result of accidents, adversity or disaster which entailed or may entail tourist's death or harm to his (her) health;

25-1) tour operator-charterer – a tour operator who has concluded a chartering (charter) agreement with an air carrier (charterer) on the transfer to its use of the entire capacity or part of the capacity of one aircraft (or several vessels) with a crew for one or more flights for carriage of passengers and baggage in accordance with the legislation of the Republic of Kazakhstan, which regulates the use of the airspace of the Republic of Kazakhstan and aviation activities;

26) authorized body – central executive body carrying out functions of the state regulation in the scope of touristic activity;

26-1) tour operator activity in the field of outbound tourism – entrepreneurial activity of individuals or legal entities which have a license for the given type of activity, on the formation of a tourist product, its promotion and sale through tour agents to tourists, as well as the promotion and sale through tour agents to tourists of a tourist product formed by a non-resident of the Republic of Kazakhstan;

26-2) tour operator activity in the field of inbound tourism – entrepreneurial activity of individuals or legal entities which have a license for the given type of activity, on the formation of a tourist product, its promotion and sale to tourists permanently residing in the territory of the Republic of Kazakhstan, including through tour agents;

27) excursionist – legal entity visiting touristic resources in cognitive purpose in the country (place) of temporary stay no more than twenty four hours;

28) excursion – visit of touristic resources in cognitive purpose in the country (place) of temporary stay no more than twenty four hours by individual;

29) excursion activity - entrepreneurial activity on organization of visiting of touristic resources in cognitive purpose in the country (place) of temporary stay which provide services on placement (overnight stop) of tourists and cover the period no more than twenty four hours;

30) excursionist – an individual carrying out activities in the Republic of Kazakhstan as an individual entrepreneur or an employee, professionally trained to provide excursion services to tourists to familiarize with touristic attractions in the country (place) of temporary stay.

Footnote. Article 1 in the wording of Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); as amended by Law of the Republic of Kazakhstan No. 461-IV dated 15.07.2011 (shall be enforced from 30.01.2012); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 16.11.2015 No. 406-V (shall be enforced from 01.01.2017); dated 17.11.2015 No. 407-V (shall be enforced from 01.01.2016); dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.07.2018 No. 166-VI (shall be enforced from 01.01.2019); dated 30.04.2021 No. 34-VII (for the procedure of enactment see Art. 2); dated 29.12.2022 No. 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on touristic activity

1. The legislation of the Republic of Kazakhstan on touristic activity shall be based on the Constitution of the Republic of Kazakhstan and consist of Civil Code of the Republic of Kazakhstan, this Law, other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty, ratified by the Republic of Kazakhstan establishes other rules, than those provided by the legislation of the Republic of Kazakhstan, the rules of international treaty shall be applied with exception of cases when it follows from international treaty that issuance of the Law is required for its application.

Article 3. Subjects and objects of touristic activity

1. The subjects of touristic activity shall include

- 1) tour operators;
- 2) tour agents;
- 3) guides, excursionists, tourism instructors operating in the Republic of Kazakhstan as individual entrepreneurs;
- 4) public associations in the field of touristic activity;
- 5) an organization established by the Government of the Republic of Kazakhstan in order to develop domestic and inbound tourism;
- 6) operators of the touristic fee for foreigners.

2. Objects of touristic activity – natural objects and natural and climatic zones, sightseeing attractions, historical and social and cultural objects of demonstration and other objects able to satisfy tourist needs on a travel.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (for the procedure of enactment see Art. 2).

Article 4. Touristic industry

1. Touristic industry – assembly of sources of placement of tourists, transport, objects of public catering, objects of cognitive, healthful, business, sportive and other assignment; organizations carrying out touristic activity as well as organizations providing excursion services and services of guides (guide-interpreters).

2. Types of services in touristic industry:

- 1) services on provision of tours;
- 2) services on provision of place of residence;
- 3) services on provision of nutrition;
- 4) informational, advertising services;
- 5) transport services;

5-1) services for provision (including booking, sale and delivery) of tickets for all types of transport and tickets for events;

6) entertainment services;

7) other tourist services, provided by the contract of tourist services.

Footnote. Article 4 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. Touristic resources

Classification and valuation of touristic resources of the Republic of Kazakhstan, mode of their security, order of use in recognition of maximum allowed charges on environment and preserving of entirety of touristic resources of the Republic of Kazakhstan, measures on their recover shall be determined in manner established by the legislation of the Republic of Kazakhstan.

Article 6. Classification of tourism in the Republic of Kazakhstan

1. Tourism in the Republic of Kazakhstan is classified:

- 1) by types of tourism;
- 2) according to a branch principle;
- 3) according to the subjective principle;
- 4) according to the objective principle.

2. Types of tourism include international and domestic tourism.

3. International tourism includes:

1) inbound tourism, which refers to travel within the Republic of Kazakhstan of persons who do not permanently reside on its territory;

2) outbound tourism, which refers to travel of citizens of the Republic of Kazakhstan and persons permanently residing in the Republic of Kazakhstan to another country.

4. Domestic tourism is travel within the Republic of Kazakhstan of citizens of the Republic of Kazakhstan and persons permanently residing on its territory.

5. According to the sectoral principle, tourism directions are distinguished that are related to the provision of tourist services and the satisfaction of tourist needs in familiarization with objects and activities in a particular area.

6. According to the subjective principle, the directions of tourism associated with the status (age, professional and others) of the tourists themselves are distinguished.

7. According to the object principle, tourism directions are distinguished that are associated with tourists visiting specific objects and (or) events.

Footnote. Article 6 as reworded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. Export and import of services in tourist industry

1. Rendering of touristic services linked with organization of incoming tourism on territory of the Republic of Kazakhstan shall be export of touristic services.

2. Rendering of touristic services linked with departure in other country shall be import of touristic services.

Article 7-1. Touristic fee for foreigners

1. A touristic fee for foreigners is a payment charged from tourists for every twenty-four hours of stay in the places of accommodation of tourists, except for hostels, guest houses, rental housing in cities and regions.

2. Operators of the touristic fee for foreigners are persons providing accommodation for tourists, with the exception of the accommodation for tourists provided for in paragraph 1 of this article.

Operators of the touristic fee for foreigners shall be obliged to perform collection and transfer of a touristic fee for foreigners to the local budget.

Footnote. Chapter 1 was amended with Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced from 01.01.2022).

Chapter 2. State regulation of touristic activity

Article 8. Principles of the state regulation of touristic activity

Basic principles of the state regulation of touristic activity in the Republic of Kazakhstan are:

- 1) supporting of touristic activity and creation of favorable conditions for its development;
- 2) determination and supporting of touristic activity;

3) formation of representation on the Republic of Kazakhstan as on country favorable for tourism;

4) provision of security, protection of rights of tourist and persons carrying out touristic activity, the Republic of Kazakhstan and their associations as well as protection of their interests and property.

Article 9. Purpose, priority directions and ways of the state regulation of touristic activity

1. Basic purpose of the state regulation of touristic activity are:

1) provision of rights of citizens on rest, freedom of movement in the scope of touristic activity;

2) environment protection;

3) creation of conditions for activity directed on nurturing, education and rehabilitation of tourists;

4) development of touristic industry providing need of citizens upon commission of travels;

5) creation of new workplaces, increase of incomes of the state and citizens of the Republic of Kazakhstan on account of development of touristic industry;

6) development of international touristic contacts.

2. Priority directions of the state regulation of touristic activity are:

1) becoming of tourism as highly profitable branch of economic of the Republic of Kazakhstan;

2) record of state interests, protection of natural and historical and cultural heritage of the Republic of Kazakhstan upon use of touristic resources;

3) introduction of preferential conditions for organization of tourist and excursion work among children, adolescents, youth, persons with disabilities and low-income groups of the population;

4) creation of favorable conditions for investing of touristic industry;

5) support and development of domestic and inbound tourism;

6) creation of effective system of touristic activity for provision of needs of internal and international tourism.

3. State regulation of touristic activity shall be carried out by:

1) determination of policy on development of industry of tourism, investing in tourism;

2) appliance of regulatory legal acts directed of perfection of relations in the scope of touristic activity;

3) licensing of tourism activities in accordance with the Law of the Republic of Kazakhstan "On permits and notifications";

3-1) standardization in the field of tourism activities in accordance with the legislation of the Republic of Kazakhstan in the field of standardization;

4) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication)

5) supporting of staff assistance of touristic activity;

6) supporting participation of native tourists, tour operators and tour agents and their associations in international touristic programmes;

7) supporting in progressing of touristic product on internal and worldwide touristic markets;

8) provision of rational and effective use, record and protection of touristic resources of country.

Footnote. Article 9 as amended by Laws of the Republic of Kazakhstan No. 222 dated 12.01.2007 (shall be enforced upon expiry of six months after the date of its first publication); No. 307 dated 21.07.2007 (see Article 2 for the order of enforcement); No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); No. 124-V dated 03.07.2013 (hall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication); dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 05.10.2018 No. 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 10. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall develop the main directions of state policy in the field of tourism development.

Footnote. Article 10 - as amended by the Law of the Republic of Kazakhstan dated April 19, 2023 No. 223-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 11. Competence of the authorized body

The authorized body shall:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) participate in formation and realization of unified policy on attracting investments in touristic branch;

3) form and implement state policy in the field of tourism activities, tourism and the tourism industry;

4) elaborate and establish regulatory legal acts, generalize practice of appliance of the legislation and make proposals on its perfection within its competence;

5) Is excluded by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

6) carry out inter-industry and inter-regional coordination in the scope of touristic activity, cooperation with native and international touristic, public and other organizations and persons , carrying out touristic activity;

7) bring action in the courts in accordance with the legislation of the Republic of Kazakhstan;

8) carry out state control on observing of the legislation of the Republic of Kazakhstan on touristic activity;

9) is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012).

10) elaborate and perform international treaties in the scope of the touristic activity as well as represent interests of the state in the scope of tourism in international organizations and on international events and participate in their work within its competence;

10-1) determine, based on a competition, a legal entity performing the functions of an administrator of the system for guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

10-2) approve the rules for the functioning of the system for 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 specifically for the administrator of the system for guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism (hereinafter referred to as the Special account);

10-3) approve the rules for paying the tourist tax for foreigners;

11) establish rules of classification of places of placement of tourists;

12) establish rules of re-training and advanced training of specialists in the scope of touristic activity;

13) shall approve the rules for formation and maintenance of the state register of tourist routes and paths;

14) together with the authorized body in the field of standardization, shall regulate the activities in the field of standardization in the field of tourism activities;

15) distribute information on Kazakhstan and its touristic possibilities on international touristic market and inside the state as well as by performing of republican and international exhibitions and expositions in the scope of touristic activity;

16) – 19) are excluded by Law of the Republic of Kazakhstan No. 159-V dated 13.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication);

20) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015);

20-1) shall approve the standard contract for tourist services;

20-2) shall determine the general requirements for professional training, retraining and advanced training of specialists in the field of tourism;

20-3) shall approve the qualification requirements for tour operator activities;

20-4) shall approve the rules for provision of tourist services;

20-5) shall keep the state electronic registers of persons who have submitted a notification of the beginning or termination of tour agency activities, activities of a guide, excursionist and tourism instructor operating in the Republic of Kazakhstan as individual entrepreneurs, in accordance with the Law of the Republic of Kazakhstan "On permissions and notifications";

20-6) shall approve the forms of information for attachment to the notification of the commencement of tour agency activities, activities of a guide, excursionist and tourism instructor operating in the Republic of Kazakhstan as individual entrepreneurs;

20-7) participate in the formation of a state educational order for the training of specialists with higher and postgraduate education, as well as with technical and professional, post-secondary education in tourism education organizations funded from the republican budget;

20-8) approve the distribution and placement of a state educational order for the training of specialists with higher and postgraduate education, as well as with technical and professional, post-secondary education in tourism education organizations funded from the republican budget;

20-9) shall approve the rules for formation, operation of priority touristic territories and their management;

20-10) shall approve the touristification map;

20-11) shall approve rules for subsidizing the cost of a ticket included in a tourist product for air transportation of minor passengers on the territory of the Republic of Kazakhstan;

20-12) shall approve the rules for compensation of touristic services;

Footnote. Article 11 was amended with a subclause 20-12) in accordance with the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced after the date of entry into force of the relevant amendments and additions to the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code)); dated 19.04.2023 No. 223-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

20-13) shall coordinate the activities in construction and improvement of tourism infrastructure;

20-14) shall approve the rules for subsidizing the costs of tour operators in the field of inbound tourism for each foreign tourist;

20-15) shall approve the rules for reimbursement of part of the costs of entrepreneurs during the construction, reconstruction of objects of touristic activity;

20-16) shall approve the rules for reimbursement of part of the costs of entrepreneurs for the purchase of equipment and machinery for ski resorts;

20-17) shall coordinate with the local executive bodies of the region, city of republican significance, the capital a list of sanitary and hygienic units for which part of the costs of their maintenance is reimbursed;

20-18) shall approve the rules for subsidizing part of the costs of entrepreneurs for the maintenance of sanitary facilities;

20-19) shall approve the rules for reimbursement of part of the costs of entrepreneurs for the construction of roadside service facilities;

20-20) shall approve the rules for reimbursement of part of the costs for the purchase of motor vehicles with a capacity of more than eight seats, excluding the driver's seat, for entrepreneurs engaged in tourism activities;

20-21) shall organize survey work on the development of the tourism industry;

20-22) shall subsidize the costs of tour operators in the field of inbound tourism for each foreign tourist;

20-23) shall reimburse a part of the costs of entrepreneurs for the purchase of equipment and machinery for ski resorts;

20-24) shall form and approve the classifier of tourism destinations in the Republic of Kazakhstan according to industry, subject and object principles;

20-25) shall approve the rules for formation and keeping the register of national touristic brands;

21) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 11 in the wording of Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); as amended by Laws of the Republic of Kazakhstan No. 188-IV dated 07.07.2009 (see Article 2 for the order of enforcement); No. 258-IV dated 19.03.2010; No. 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); No. 461-IV dated 15.07.2011 (shall be enforced from 13.10.2012); No. 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 159-V dated 13.01.2014 (shall be enforced upon expiry of ten calendar days after date of its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 05.10.2018 No. 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 02.07.2020 № 356-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 30.04.2021 No. 34-VII (for the procedure of enactment see Art. 2).

Article 12. Competence of local executive bodies (akimats) of oblasts, cities of republican significance, capital districts, cities of oblast significance

1. Local executive body of oblast, city of republican significance, capital shall:
 - 1) realize state policy and carry out coordination in the scope of touristic activity on territory of relevant administrative and territorial unit;
 - 2) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 3) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 4) is excluded by Law of the Republic of Kazakhstan No. 461-IV dated 15.07.2011 (shall be enforced from 30.01.2012).
 - 5) Is excluded by Law of the Republic of Kazakhstan № 269-V (dated 29.12.2014 shall be enforced from 01.01.2015);
 - 6) analyze market of touristic services and represent necessary details on development of tourism on territory of relevant administrative and territorial unit in the authorized body;
 - 7) shall develop and implement the measures to protect regional (cities of republican significance, the capital) tourist resources;
 - 8) coordinate activity on planning and building of objects of touristic industry on territory of relevant administrative and territorial unit;
 - 9) assist in the activities of children's and youth camps, associations of tourists;
 - 10) render methodic and consultative assistance to subjects of touristic activity in questions linked with organization of touristic activity;
 - 11) develop and support entrepreneurship in the scope of touristic activity as measure of increase of public employment;
 - 12) provide touristic activity as well as on touristic potential, objects of tourism and persons carrying out touristic activity;
 - 13) establish touristic informational center;
 - 13-1) 13-1) carry out licensing of tour operator activity in accordance with the Law of the Republic of Kazakhstan "On permissions and notifications";
 - 13-2) shall organize professional training for a guide (guide-interpreter);
 - 13-3) shall approve, in coordination with the authorized body, an action plan for development of the tourism industry;
 - 13-4) shall keep the state register of tourist routes and paths;
 - 13-5) create a tourism infrastructure on the territory of the relevant administrative-territorial unit, takes measures for the construction and development of facilities that can satisfy the needs of tourists;
 - 13-6) create conditions for the subjects of touristic activity in the development of tourism;

3-7) finance tourist information centers by direct conclusion of an agreement as part of the implementation of joint activities in the field of tourism;

13-8) reimburse a part of the costs of entrepreneurs during the construction, reconstruction of objects of tourist activity;

13-9) approve the lists of sanitary and hygienic units, for which part of the costs of their maintenance is reimbursed, in agreement with the authorized body;

13-10) carry out measures for the construction, reconstruction, repair and maintenance of access roads of regional and district significance to places of accommodation for tourists located outside settlements;

13-11) reimburse a part of the costs of entrepreneurs for the construction of roadside service facilities;

13-12) subsidize a part of costs of entrepreneurs for the maintenance of sanitary-hygienic facilities;

13-13) reimburse a part of the costs for the purchase of motor vehicles with a capacity of more than eight seats, excluding the driver's seat, to business entities engaged in tourism activities;

14) carry out other powers imposed on local executive body by the legislation of the Republic of Kazakhstan in interests of local state administration;

2. Local executive body of district, city of republican significance shall:

1 realize state policy and carry out coordination in the scope of touristic activity on territory of relevant administrative and territorial unit;

2) carry out collecting, analysis and provide information on development of tourism on territory of relevant administrative and territorial unit in local executive body of oblast, city of republican significance, capital;

3) elaborate and inculcate measures on protection of district touristic resources;

4) coordinate activity on planning and building of objects of touristic industry on territory of relevant administrative and territorial unit;

5) assist in the activities of children's and youth camps, associations of tourists;

6) provide touristic information as well as on touristic potential, objects of tourism and persons carrying out touristic activity;

6-1) shall keep a register of tourist routes and paths in the area;

7) carry out other powers imposed on local executive body by the legislation of the Republic of Kazakhstan in interests of local state administration;

Footnote. Article 12 in the wording of Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); as amended by Laws of the Republic of Kazakhstan No. 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); No. 461-IV dated 15.07.2011 (shall be enforced from 30.01.2012); No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 159-V dated 13.01.2012 (shall be enforced upon expiry of ten calendar days

after the date of its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 28.12.2018 No. 210-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.04.2021 No. 34-VII (for the procedure of enactment see Art. 2).

Article 13. Tourism counsel

1. The Tourism Council shall be created as a consultative and advisory body under the authorized body.

2. Structure of tourism counsel include representatives of the authorized body and interested state bodies as well as representatives of association and other unions in the scope of touristic activity.

3. Tourism counsel shall:

1) elaborate suggestions on questions of tourism development, attracting investment in current branch of economy, provision of favorable treatment of entrance in the Republic of Kazakhstan and creation of conditions for departure of tourists abroad, formation of touristic reputation of the republic, training of specialists in the scope of touristic activity;

2) keep rating of persons carrying out the touristic activity on established manner by it for purpose of informing of customers of touristic services on quality of services.

4. Is excluded by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Footnote. Article 13 as amended by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); dated 04/19/2023 No. 223-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 14. Touristic informational center

Touristic informational center is organization established by the Government and (or) akimat of oblast (city of republican significance, capital), created for formation and expansion of information on Kazakhstan its touristic potential, progressing of touristic product on international touristic market and inside the state as well as in purpose of creation of conditions for development of new subjects of entrepreneurship and methodological provision in the scope of touristic activity.

Footnote. Article 14 in the wording of Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 14-1. Priority touristic areas

1. A priority touristic area is an area with special potential of touristic development, included into the list of the objects of republican level of the touristification map.

2. Participants of the priority touristic area are individuals and legal entities engaged in entrepreneurial activities in accordance with the legislation of the Republic of Kazakhstan.

3. A priority touristic area shall be created for the purposes of:
increasing the competitiveness of the territory in the tourism market due to the synergistic effect;
improving the efficiency of the subjects of touristic activities;
concentration of resources (material, intellectual and others) in the most promising points of tourism development.

4. The construction of facilities that can meet the demand of tourists in priority tourist areas shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Chapter 3 was amended with Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 14-2. State support of investments

Legal entities, implementing an investment priority project in the priority touristic area, shall be provided with preferences in accordance with the laws of the Republic of Kazakhstan

Footnote. Chapter 3 was amended with Article 14-2, in accordance with the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced from 01.01.2022).

Article 14-3. Powers of the organization, created by the Government of the Republic of Kazakhstan for the purposes of development of domestic and inbound tourism

An organization established by the Government of the Republic of Kazakhstan for the development of domestic and inbound tourism shall be vested with the following powers:

- 1) organizing events aimed at the development of inbound and domestic tourism;
- 2) promoting the Republic of Kazakhstan and its touristic opportunities in the international and domestic tourism markets, including through the use and development of the national touristic portal;
- 3) developing and promoting national touristic brands in the international and domestic tourism markets, forms and maintains their register in accordance with the approved rules;
- 4) developing a marketing strategy in the tourism industry, coordinates and monitors its implementation;
- 5) participating in creation and development of touristic resources;
- 6) conducting an analysis of touristic potential of the Republic of Kazakhstan;
- 7) administering subsidizing the cost of a ticket included into a tourist product during air transportation of underage passengers in the territory of the Republic of Kazakhstan.

Footnote. Chapter 3 was amended with Article 14-3 in accordance with the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (for the procedure of enactment see Art .2).

Chapter 3. Organization of touristic activity

Article 15. General conditions for the implementation of tourism activities

1. A tour operator in the field of outbound tourism, when carrying out tour operator activities in the field of outbound tourism, shall be obliged to conclude an agreement on compulsory insurance of a tourist in relation to each tourist traveling abroad.

2. In accordance with the Law of the Republic of Kazakhstan “On permissions and notifications”:

tour operator activity in the field of outbound tourism shall be a licensed subtype of activity;

tour operator activity in the field of inbound and domestic tourism shall be a licensed subtype of activity;

tour agent activities as well as the activities of guides, excursionists and tourism instructors carrying out activities in the Republic of Kazakhstan as individual entrepreneurs, shall be carried out in a notification manner.

Suspension or termination of a license for tour operator activity shall entail a ban on the provision of touristic services, except for obligations arising from previously concluded agreements.

Suspension of a license for tour operator activity, termination of a license for tour operator activity shall be carried out in accordance with the procedure prescribed by the laws of the Republic of Kazakhstan.

The tour operator shall ensure the provision of all services included in the tourist product to tourists, independently or with the involvement of third parties, on which the tour operator is entrusted with the fulfillment of part or all of its obligations to tourists.

A tour operator in the field of outbound tourism shall promote and sell a tourist product exclusively through travel agents. When selling a tourist product formed by a tour operator in the field of outbound tourism, a travel agent is obliged to issue a touristic voucher.

The tourist product formed by a non-resident of the Republic of Kazakhstan shall be promoted by including a tour operator in the field of outbound tourism in the tourist product and is implemented in accordance with the present Law.

3. The travel agent shall promote and sell to tourists the tourist product formed by the tour operator, in accordance with the legislation of the Republic of Kazakhstan.

Promotion and sale of a tourist product by a travel agent shall be carried out on the basis of an agency agreement for the sale of a tourist product concluded with a tour operator in writing.

The agency agreement for the sale of a tourist product between the tour operator and the travel agent must contain:

- information about the tour operator that formed the tourist product;
- powers of the tour agent to make transactions with tourists on behalf of the tour operator;
- the procedure for interaction between the tour operator and the tour agent in the event that a tourist or third parties providing individual tourist services included in the tourist product, claims;
- description of the touristic itinerary;
- reliable information about the tourist product and the responsibility of each party to the tourist for failure to provide or providing false information about the tourist product.

The tour operator shall be liable to the tourist under the laws of the Republic of Kazakhstan for non-fulfillment or improper fulfillment of obligations under the contract for tourist services (including for failure to provide or improper provision of services included in the tourist product to tourists, regardless of who should have been provided or provided these services).

4. Tour operator activities aimed at meeting religious needs shall be carried out in accordance with the procedure, determined by the state body that carries out state regulation in the field of religious activity, in agreement with the authorized body.

Footnote. Article 15 - as reworded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (for the procedure of enactment see Art. 2).

Article 15-1. Classification of places of placement of tourists

1. Places of placement of tourists shall be subject to classification in purpose of supporting increasing of tourist movement and incomes of all types of tourism.

2. Characteristic of places of placement of tourists allowing to carry out attestation on one of categories on bases of rules of classification of places of placement of tourists shall be considered upon performance of classification.

3. Rules of classification of places of placement shall determine basic purpose, organizational structure. Minimal requirements and regulate order of assignment of categories to places of placement of tourists.

Footnote. The Law is supplemented by Article 15-1 in accordance with Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 15-2. Formation of touristic product

1. Formation of touristic product – is activity of tour operator on negotiating and performance of treaties with third parties rendering particular touristic services included in touristic product.

2. Touristic product shall be formed by tour operator at its discretion on the assumption of conjuncture of touristic market or on concrete order.

3. Tour operator accrue a right on services included in tour on base of treaties providing particular touristic services.

Footnote. The Law is supplemented by Article 15-2 in accordance with Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for order of enforcement).

Article 15-3. Notifications in the field of tourism

1. Notification of the beginning or termination of the activity of a guide, excursionist, tourism instructor operating in the Republic of Kazakhstan as individual entrepreneurs, a travel agent shall be submitted in accordance with the Law of the Republic of Kazakhstan "On permissions and notifications".

2. Applicants sending a notification of the start of travel agency activities, shall attach information in the form approved by the authorized body.

3. Applicants sending a notification about the start of activities as a guide, excursionist, tourism instructor, operating in the Republic of Kazakhstan as individual entrepreneurs, shall attach to the notification information in the form approved by the authorized body, and a certificate of training in the field of tourism.

Footnote. Chapter 3 shall be supplemented by Article 15-3 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015) ; as reworded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of sixty calendar days after its first official publication).

Article 16. Standardization in the field of tourist activities

Standardization in the field of tourist activities shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of standardization.

Footnote. Article 16 shall be amended by the Law of the Republic of Kazakhstan dated 05.10.2018 No. 184-VI (shall be enforced upon expiry of six months after its first official publication).

Article 17. Treaty on touristic serving

1. Rendering of touristic services shall be carried out on base of treaty. Treaty on touristic serving shall be negotiated in written form with exception treaties negotiated by guide (guide-interpreter) and ciceroni and shall correspond to the legislation of the Republic of Kazakhstan.

The essential terms of the contract for tourist services shall be established by a standard contract for tourist services approved by the authorized body.

2. Is excluded by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

3. Each party have a right to require changes or denouncement of treaty in recognition with material changes of conditions from judge by which upon negotiating of treaty.

4. Material changes of conditions are:

1) deterioration of conditions of travel, changes of travel terms;

2) unforeseen increase of transport tariffs;

3) enforcement of new or increase of active tax and charge rates and other obligated payments in the budget;

4) other bases determined on agreement of parties.

5. Tourist have a right to avoid treaty in case of non-performance or inappropriate performance of treaty by person carrying out touristic activity on conditions and manner provided by the legislation of the Republic of Kazakhstan.

6. Tourist have a right to decline from performance of treaty before beginning of travel upon condition of payment to person carrying out touristic activity incurred by him (her) expenditure for services rendered before notification on decline from performance of treaty in fact.

7. Is excluded by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement)

8. In case of purchase of touristic services included in structure of tour document confirming rights of tourist on relevant services of touristic voucher.

9. Services shall be subject to payment in full volume in case of impossibility of performance of treaty on touristic serving arising through a fault of tourist unless otherwise is not provided by the legislative acts or treaty of refundable rendering of services.

10. In case when impossibility of performance of treaty on touristic serving is increased on conditions on which no one of parties shall not respond tourist shall compensate expenditures to person carried out touristic activity incurred by him (her) unless otherwise is not provided by the legislative acts or treaty.

11. Person carrying out touristic activity have a right to refuse from performance of treaty only upon condition of full compensate of losses to customer inflicted by denouncement of treaty except case when it happened through a fault of tourist.

12. Person carrying out touristic activity shall entail responsibility for inappropriate performance of conditions of treaty in case of irregularity of condition of treaty on arrival in other country or on itinerary of travel.

Footnote. Article 17 as amended by Laws of the Republic of Kazakhstan No. 222 dated 12.01.2007 (shall be enforced upon expiry of six months after the date of its first publication); No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); dated 04/19/2023 No. 223-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 18. Compensation of losses and moral harm, conditions of changing of treaty of touristic serving

1. Compensation of losses and moral harm to tourists shall be performed in accordance with the legislation of the Republic of Kazakhstan.

2. Person carrying out touristic activity shall not entail responsibility for damage incurred by tourist on time of traveling in consequence of action of insuperable force.

3. Person carrying out touristic activity shall give individual or group (upon serving of touristic group) carriage document (ticket) to tourist containing names of point of departure and destination, maid rules and obligations of passengers upon transfer of passengers on any type of transport.

4. Person carrying out touristic activity shall inform in written form family of tourist on emergency event with tourist on at its expense.

5. Responsibility for transfer non provided to weight of freight its safety shall be imposed on tourist. Treaty of transfer shall be in force if person carrying out touristic activity gave ticket, baggage-check or airway bill on applied to transfer freight but they formed inaccurate or lost or on any other reasons it is impossible to present them.

6. Person carrying out touristic activity shall inform tourist in written form immediately on character of such changes and possible consequences in case of changes of conditions provided by treaty and necessity of material change of conditions of treaty.

Footnote. Article 18 as amended by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 19. Persons carrying out touristic activity

1. Persons carrying out touristic activity have a right to open their affiliated organizations and representatives.

2. Persons, engaged in tourist activities, may not use the names of other persons, engaged in tourist activities, registered in accordance with the legislation of the Republic of Kazakhstan on state registration of legal entities and account registration of branches and representative offices.

Footnote. Article 19 in the wording of Law of the Republic of Kazakhstan No. 461-IV dated 05.07.2011 (shall be enforced from 30.01.2012); as amended by the Law of the Republic of Kazakhstan dated 02.04.2019 No. 241-VI (shall be enforced from 01.07.2019).

Article 20. Unions of persons carrying out touristic activity

Footnote. Title in wording of Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Persons, carrying out touristic activity and other persons of touristic industry may create unions in form associations (alliances) in purpose of coordination of their professional activity as well as representation and protection of general interests in manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 20 as amended by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 21. Unions of tourists

Citizens of the Republic of Kazakhstan may create public unions in purpose of protection of rights and interests, supporting of development of tourism.

Article 22. Professional training of specialists in the scope of touristic activity

1. Professional training, re-training of specialists in the scope of tourism shall be carried out by organizations of education having relevant licenses in the scope of education.

2. Order of re-training and advanced training of specialists in the scope of touristic activity shall be determined by the authorized body.

Footnote. Article 22 as amended by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 23. Guide (guide-interpreter), instructor of tourism, ciceroni

Guide (guide-interpreter), instructor of tourism, ciceroni may be only a citizen of the Republic of Kazakhstan.

Chapter 4. Rights and obligations of tourist, provision of security of tourist

Article 24. Rights of tourist

Upon preparing to travel, on time of traveling including through traffic tourist have a right on:

1) address in counsel, diplomatic, other state as well as touristic representatives in case of offence on his (her) personal security or property;

2) necessity and true information on rules of entrance in country (place) of temporary stay as well as departure from country (place) of temporary stay or stay there, on specialties of the legislation of the country (place) of temporary stay, on customs of native population, on religious rites, relics, monuments of nature, history, culture and other objects of touristic demonstration being under special security, environment condition;

3) freedom of movement, free access to touristic resources in recognition of applied restrictive measures in country of temporary stay;

4) compensation of losses and moral harm in case of non-performance of conditions of treaty on touristic serving by persons carrying out touristic activity in manner established by the legislation of the Republic of Kazakhstan;

5) receiving of emergency medical treatment;

6) supporting in receiving of legal and other types of assistance to foreign tourists of the state power of the Republic of Kazakhstan;

7) unhampered access of tourists to available communications facilities.

Other rights of tourists shall be determined by the legislation of country (place) of stay.

Footnote. Article 24 as amended by Law of the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 25. Obligations of tourist

On time of traveling including through traffic tourist shall:

1) observe the legislation of country (place) of temporary stay;

2) preserve environment, treat with due care to monuments of nature, history and culture in country (place) of temporary stay;

3) observe rules of entrance and stay in country (place) of temporary stay as well as departure from country (place) of temporary stay and in countries of travel in transit;

4) observe rules of personal security on time of travel.

Other obligation of tourists shall be determined by the legislation of country (place) of stay.

Article 26. Provision of security of tourists

1. Security of tourists on territory of the Republic of Kazakhstan shall be warranted by the Republic of Kazakhstan. The Republic of Kazakhstan shall warrant protection and patronage beyond it to tourists-citizens of the Republic of Kazakhstan.

2. Under security of tourists shall be regarded personal security of tourists, preserving of their property and not-inflicting of harm to environment on time of travels as well as complex of measures directed of preserving of use of tourism in purpose of illegal migration and through traffic in third countries, sexual, labor and other exploitation of citizens.

3. The authorized body shall inform persons carrying out touristic activity and tourists on possible dangers for tourists in country (place) of temporary stay.

4. Persons carrying out touristic activity shall provide to tourists details on specialties of travels including necessity and true information on rules of entrance, departure and stay on country (place) of temporary stay, on legislation, on customs of native population, on religious rites, relics, monuments of nature, history, culture and other objects of touristic

demonstration being under special security, environment condition as well as on dangers with which they can meet upon traveling and carry out preventive measures directed on provision of security of tourists in a three days before beginning of travel in written form.

5. Persons carrying out touristic activity shall immediately inform the authorized body and the authorized body in the scope of civil protection as well as tourist's family from the moment when they knew or have to know on emergency event with tourist on time of travel.

If emergency event happened with foreign tourists on territory of the Republic of Kazakhstan or tourists-citizens of the Republic of Kazakhstan beyond of the Republic of Kazakhstan persons carrying out touristic activity shall inform also bodies of the diplomatic service.

6. Tourists supposed to travel in country (place) of temporary stay shall pass prevention in accordance with the international medical requirements.

7. Rendering of necessity assistance to tourists suffering distress on territory of the Republic of Kazakhstan shall be carried out by specialized services determined by the Government of the Republic of Kazakhstan.

8. The authorized body jointly with interested ministries and other executive bodies shall organize provision of protection and security of tourists.

9. Akimat of oblast, city of republican significance, capital shall organize protection and security of tourists.

Footnote. Article 26 as amended by Laws of the Republic of Kazakhstan No. 13 dated 20.12.2004 (shall be enforced from 01.01.2005); No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement); No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 189-V dated 11.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 27. Insurance in tourist activities

1. When selling a tourist product, a travel agent must:

to request the name of insurance company or branch of the insurance nonresident organization of the Republic of Kazakhstan with which, (which) the tourist who shall be going abroad expresses intention to sign the contract of obligatory insurance of the tourist;

issue an insurance certificate to a tourist traveling abroad and, if necessary, an insurance policy.

2. The contract of compulsory insurance of a tourist should provide for payment of medical care to tourists and reimbursement of their expenses in the event of an insured event directly in the country (place) of temporary stay.

3. The Government of the Republic of Kazakhstan shall have the right to impose on tourists who enter the territory of the Republic of Kazakhstan a requirement of having a certificate of life and health insurance.

4. A tour operator in the field of outbound tourism shall be obliged to insure a tourist traveling abroad against the risks, specified by the Law of the Republic of Kazakhstan "On mandatory insurance of a tourist".

Footnote. Article 27 shall be amended by the Law of the Republic of Kazakhstan dated 02.07.2018 No. 166-VI (shall be enforced from 01.01.2019); as amended by the Law of the RK dated 02.01.2021 № 399-VI (shall enter into force from 16.12.2020).

Chapter 4-1. System of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism

Footnote. The Law shall be supplemented by Chapter 4-1 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 No. 407-V (shall be enforced from 01.01.2016).

Article 27-1. General provisions

The system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be a set of legal relations between citizens of the Republic of Kazakhstan, travel agents, tour operators, tour operators-charterers, the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism and the authorized body, protecting the rights of citizens of the Republic of Kazakhstan in outbound tourism.

Article 27-2. Subjects of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism

1. The subjects of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be:

- 1) tour operators, operating in the field of outbound tourism;
- 2) tour operators-charterers, operating in the field of outbound tourism;
- 3) travel agents, engaged in the field of outbound tourism;
- 4) the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism.

2. The administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be a legal entity, defined by the Government of the Republic of Kazakhstan, the only activity of which is to exercise 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.

3. The administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall not be entitled to carry out entrepreneurial and other types of activities, receive loans, act as a guarantor on loans to third parties, transfer property as collateral.

4. The activities of the administrator of the system for guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be financed by a commission fee withheld from the amount of money to be transferred in accordance with subparagraph 2) of paragraph 1 of Article 27-3 of this Law, in the amount established by the authorized body.

5. The beneficiaries of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be the citizens of the Republic of Kazakhstan who are tourists.

6. The administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall carry out:

administration of the mechanism for assigning a tourist code to citizens of the Republic of Kazakhstan within the framework of outbound tourism;

acceptance of a differentiated guarantee amount determined by the Government of the Republic of Kazakhstan.

7. The administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be obliged:

to carry out, in accordance with the rules of functioning of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism, the return of the deposited bank guarantee, as well as the transferred funds for the sold tourist products by the subject of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism, provided that there are no facts of export of citizens of the Republic of Kazakhstan through the fault of this entity in the event of termination of the type of tour operator activity in the field of outbound tourism;

to return the deposited bank guarantee by the subject of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism to this subject upon reaching the maximum amount of the bank guarantee;

to ensure the application of the transfer offset method for the next calendar year for the entities of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism three years after the entry of this entity into the system, with the exception of the amount of commission allocated for activities administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism.

Footnote. Article 27-2 as amended by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 No. 223-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 27-3. Obligations of the subjects of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism

1. The following obligations shall be imposed on tour operators and tour operators-charterers, operating in the field of outbound tourism:

1) conclusion of a bank guarantee contract with a second-tier bank in accordance with the banking legislation of the Republic of Kazakhstan, providing for payment in favor of the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism or third parties, identified by the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism, of money secured by a bank guarantee, with the provision of the original or a notarized copy of the contract of the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

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

2. Ensuring that the subjects of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism fulfill the obligations, listed in this article, shall be assigned to the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism and the authorized body.

3. The local executive body of the region, the city of republican significance, the capital, in the event that the provision of tourist services to citizens of the Republic of Kazakhstan in the field of outbound tourism by a tour operator or a tour operator-charterer that does not fulfill the obligations provided for by this article, or performs them improperly, shall be obliged to suspend the license (supplement to the license) for tourist operator activities in the field of outbound tourism within three working days from the date of detection of such a circumstance in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 27-3 as amended by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 27-4. Mechanism of protection of the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism

1. The decision to perform actions to protect the rights of citizens of the Republic of Kazakhstan shall be taken by the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism in coordination 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 the facts of violation of the legislation of the Republic of Kazakhstan on tourist activities in the field of outbound tourism;

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

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

2. The administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall notify the head of the tour operator or tour operator-charterer about the decision within a day, the foreign institution of the Republic of Kazakhstan in the country where the tourists are located, and shall also inform the citizens of the Republic of Kazakhstan through the media.

3. The procedure for implementation of measures to protect the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism shall be determined in the rules of operation of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism.

Chapter 5. Final provisions

Article 28. Responsibility for infraction of the legislation of the Republic of Kazakhstan on touristic activity

Infraction of the legislation of the Republic of Kazakhstan on touristic activity shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 28 in the wording of Law the Republic of Kazakhstan No. 59-IV dated 05.07.2008 (see Article 2 for the order of enforcement).

Article 28-1. State control over the compliance with the legislation of the Republic of Kazakhstan on touristic activity

1. State control over the compliance with the legislation of the Republic of Kazakhstan on touristic activity shall be carried out in the form of inspection and preventive control.

2. Inspection and preventive control with visiting the subject (object) of control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

Preventive control without visiting the subject (object) of control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Article.

3. The objectives of preventive control without visiting the subject (object) of control are timely suppression and prevention of violations, granting the subject of control the right to independently eliminate violations identified as a result of preventive control without visiting the subject (object) of control, and reducing the administrative burden on the subject of control.

Preventive control without visiting the subject (object) of control shall be carried out by the authorized body in the form of analysis of information.

The sources of information for the analysis shall be:

official statistical information;

information of state bodies;

information of organization for formation and keeping a database;

information of the organization created by the Government of the Republic of Kazakhstan for the purposes of development of domestic and inbound tourism;

information of the administrator of the system of guaranteeing the rights of citizens of the Republic of Kazakhstan in the field of outbound tourism;

information, received from the subjects of touristic activity.

In case of detection of violations based on the results of preventive control without visiting the subject (object) of control in the actions (inaction) of the subject of control, the authorized body shall draw up and send a recommendation to eliminate violations no later than five working days from the date of detection of violations.

A recommendation to eliminate violations must be handed over to the subject of control personally against signature or in another way confirming the facts of sending and receiving.

A recommendation to eliminate violations sent in one of the following ways shall be considered to be delivered in the following cases:

1) by a courier – from the date of the mark in the recommendation of receipt;

2) by mail – registered letter with notification;

3) electronically – from the date of sending by the authorized body to the electronic address of the subject of control specified in the letter at the request of the authorized body.

4. The recommendation to eliminate violations must be executed within ten working days from the day following the day of its delivery.

5. In case of disagreement with the violations specified in the recommendation to eliminate violations, the subject of control shall have the right to send an objection to the authorized body that sent the recommendation to eliminate violations within five working days from the day following the day of its delivery.

6. Failure to comply with the recommendation to eliminate violations within the established time frame shall entail the assignment of preventive control with a visit to the subject (object) of control by inclusion in the semi-annual list of preventive control with a visit to the subject (object) of control.

7. Preventive control without visiting the subject (object) of control shall be performed no more than once a year.

Footnote. Article 28-1 as reworded by the Law of the Republic of Kazakhstan dated 30.04.2021 No. 34-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 29. Transitional provisions

Individuals and legal entities having licenses on carrying out of touristic activity on moment of enforcement of this Law shall bring their activity in accordance with this Law in six monthly terms from date of enforcement of this Law.

The President
of the Republic of Kazakhstan

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