



## **On National Chamber of entrepreneurs of the Republic of Kazakhstan**

### ***Unofficial translation***

The Law of the Republic of Kazakhstan dated 4 July 2013 No. 129-V.

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This Law regulates social relations arising in connection with the establishment and activities of the National chamber of entrepreneurs of the Republic of Kazakhstan, development of entrepreneurship in the Republic of Kazakhstan.

### **Chapter 1. General provisions Article 1. Basic definitions, used in this Law**

The following basic definitions shall be used in this Law:

1) the web portal "Government for Business" - an information system designed to provide individuals and legal entities with access to measures of state support for business entities, as well as public services provided in electronic form;

1-1) industrial certificate - a document confirming the presence of the applicant in the register of domestic producers of goods, works and services;

1-2) business entities - commercial legal entities, individual entrepreneurs, peasant (farm) enterprises registered in accordance with the legislation of the Republic of Kazakhstan and carrying out entrepreneurial activities in the territory of the Republic of Kazakhstan;

2) The National Chamber of Entrepreneurs of the Republic of Kazakhstan (hereinafter - the National Chamber) is a non-profit organization representing a union of business entities created to provide favorable legal, economic and social conditions for implementation of entrepreneurial initiative and development of mutually beneficial partnership between the business community and public authorities of the Republic of Kazakhstan, as well as to stimulate and support the activities of associations of individual entrepreneurs and (or ) legal entities in the form of an association (union) (hereinafter - an association (a union));

3) public monitoring - the activities of the National chamber for the collection, collation, analysis and synthesis of information, including the assessment of the achievement of the degree of solution of the problems and objectives the decision of that is addressed to regulatory legal act and its impact on the situation of entrepreneurship in the Republic of Kazakhstan;

4) mandatory membership dues and fees - annual contributions of business entities, paid in National chamber in accordance with procedure and the sizes established in accordance with this Law;

4-1) single access point to procurement - information system integrated with procurement information systems;

4-2) Register of domestic producers of goods, works and services - a list of domestic producers of goods, works and services, formed on a voluntary basis in the manner approved by the Presidium of the National Chamber;

5) is excluded by Law of the Republic of Kazakhstan № 391-V dated 12.11.2015 (shall be enforced upon expiry of six months after the day its first official publication);

6) accreditation in the National Chamber system is recognition by the National Chamber of the conformity of associations (unions), self-regulatory organizations in the field of entrepreneurial activity to the established criteria for representation of business entities interests in the governing and working bodies of the National Chamber;

7) the rating " Business climate" - an independent study of the conditions of entrepreneurial activity, assessment and comparison of results of work of the central state and local executive bodies, based on the results of public analysis of regulatory impact of regulatory legal acts and regulatory instruments, as well as analysis of existing law enforcement practice.

Footnote. Article 1 as amended by Laws of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); № 391-V dated 12.11.2015 (shall be enforced upon expiry of six months after the day its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 26.12.2018 № 202-VI (shall be enforced dated 01.01.2019); dated 02.01.2021 No. 399-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

## **Article 2. The legislation of the Republic of Kazakhstan on National chamber**

1. The legislation of the Republic of Kazakhstan on the National Chamber is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other normative legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes different rules than those contained in this Law, the rules of an indicated treaty shall be applied.

Footnote. Article 2 as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).

## **Article 3. Purpose, tasks and system of National chamber**

1. The purpose of creation of the National chamber shall be the creation of an institutional basis for the growth and further development of entrepreneurship in the Republic of Kazakhstan.

2. The tasks of the National chamber shall be:

1) consolidation of the entrepreneurial community;

2) representation, ensuring and protection of rights and legal interests of business entities;

3) organization of effective interaction of business entities and their associations (unions) of state bodies;

4) promotion in creation of a favorable legal, economic and social conditions for entrepreneurship in the Republic of Kazakhstan;

5) participation in the process of improvement of the legislation of the Republic of Kazakhstan concerning the interests of entrepreneurship;

6) other tasks provided for by the legislative acts of the Republic of Kazakhstan.

3. In the system of the National chamber shall be included:

1) at the republican level:

National chamber;

accredited in the National Chamber of republican intersectoral, sectoral associations (unions), republican associations (unions) of small, medium and (or) large entrepreneurship, as well as self-regulating organizations in the field of entrepreneurial activity;

2) at the territorial level:

chamber of entrepreneurs of oblast, cities of republican significance and capital (hereinafter - the regional chamber);

accredited in the regional chambers of regional intersectoral, regional sectoral associations (unions), as well as regional associations (unions) of small, medium, and (or) large entrepreneurship;

accredited in the regional chambers oblasts, cities of oblast, republican significance and the capital of associations (unions);

accredited in regional chambers of district, cities of regional significance associations (unions), self-regulating organizations in the field of entrepreneurial activity;

3) at the city and district levels:

branches of regional chambers in the districts of the relevant oblasts, cities of regional, republican significance and the capital, as well as in cities of regional and district significance (hereinafter - branches of regional chambers);

4) legal entities with participation of the National chamber as a founder, created for realization of the purposes of this Law;

5) branches and representative offices of the National chamber, located on the territory of a foreign state.

6) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).

Footnote. Article 3 as amended by Laws of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); № 391-V dated 12.11.2015 (shall be enforced upon expiry of six months after the day its first official publication).

#### **Article 4. Principles of activity of the National chamber**

1. The activities of the National chamber shall be based on the principles of:
  - 1) independence;
  - 2) equality of all business entities;
  - 3) making decisions that do not contradict with the main directions of domestic and external policy of the state;
  - 4) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016);
  - 5) transparency of activity, accountability, responsibility towards its members;
  - 6) efficiency, consistency and efficiency in decision making and implementation;
  - 7) development of intersectoral, sectoral and regional associations (unions);
  - 8) the social responsibility of business;
  - 9) the promotion in ensuring the safety of goods, works and services for life and health of humans and the environment, produced by manufacturers of goods, works and services;
  - 10) ensure the balance of interests of the society and entrepreneurship.

2. The National Chamber is formed on the basis of mandatory membership in it of business entities registered (passed registration) in accordance with the legislation of the Republic of Kazakhstan, with the exception of business entities for which the legislation of the Republic of Kazakhstan establishes mandatory membership in other non-profit organizations, unless otherwise specified by this paragraph.

Businesses that are members (participants) of self-regulating organizations in the field of entrepreneurial activity based on mandatory membership are subject to the principle of mandatory membership of business entities in the National Chamber.

**Footnote. Article 4 as amended by Laws of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); № 391-V dated 12.11.2015 (shall be enforced upon expiry of six months after the day its first official publication).**

**Chapter 2. Interaction with the Government of the Republic of Kazakhstan, state bodies, associations (unions), individuals with participation of the National chamber as amended by the Law of the Republic of Kazakhstan dated founder Article 5. Interaction with the Government of the Republic of Kazakhstan, state bodies**

**1. Excluded by Law of the Republic of Kazakhstan No. 223-VII dated 19.04.2023 (shall be enacted ten calendar days after the day of its first official publication).**

1-1. The Central Competent Authority for State Planning shall adopt ceilings for compulsory membership fees.

2. Interaction of the Government of the Republic of Kazakhstan and the National chamber shall be aimed at achieving its objectives and tasks.

3. Interaction of the National Chamber with the Government of the Republic of Kazakhstan and state bodies shall be carried out in accordance with the procedure defined by this Law, other regulatory legal acts and the agreement on interaction, in:

1) the form of participation of the National Chamber in the development and examination of regulatory policy advisory documents, draft regulatory legal acts affecting the interests of private business entities;

1-1) form of participation of the National Chamber in the development and expertise of international treaties drafts of the Republic of Kazakhstan, as well as international treaties which members the Republic of Kazakhstan intends to become, affecting the interests of private business entities;

2) form of creation of the National chamber of advisory and consultative bodies with the participation of central and local state organs;

3) form of participation of the National chamber in the work of advisory and consultative bodies at central and local state bodies, created on issues affecting the rights and obligations of business entities;

4) other forms aimed at realization of the purpose of creation, tasks and functions of the National chamber.

4. State bodies shall be obliged in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan, to submit at the request of the National chamber the information affecting the rights and obligations of entrepreneurs of the Republic of Kazakhstan, with the exception of information constituting commercial, banking or other secret protected by the law.

**Footnote. Article 5 as amended by Laws of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated 13.06.2018 № 160-II (shall be enforced dated 22.07.2018); dated 12.03.2021 No. 15-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication); No. 223-VII dated 19.04.2023 (shall be enacted ten calendar days after the day of its first official publication).**

#### **Article 6. Interaction of the National Chamber with associations (unions) and self-regulating organizations in the field of entrepreneurial activity**

**A footnote. Title of Article 6 as amended by Law No. 391-V of 12 November 2015 (shall be enforced upon the expiration of six months after the date of its first official publication).**

1. The National Chamber cooperates with associations (unions), including sectoral, intersectoral, regional associations (unions) of entrepreneurs, associations (unions) for small, medium and (or) large entrepreneurship in order to achieve the goals and objectives set by this Law, as well as self-regulating organizations in the field of entrepreneurial activity.

Associations (unions), self-regulatory organizations specified in paragraph 1 of this Article, representing the interests of their members (participants), shall have the right:

1) pass the accreditation in the system of the National chamber in accordance with the procedure provided for by the presidium of the National chamber;

2) make proposals on improvement of the activity of the National chamber;

- 3) make use of professional support from the National chamber as well as services provided by its Charter;
- 4) apply to the National chamber with written queries and receive motivated responses;
- 5) send its representatives to the training, retraining, qualification improvement, organized by the National chamber;
- 6) receive qualified information and analytical support;
- 7) enjoy other rights guaranteed by the Constitution of the Republic of Kazakhstan and provided for by the laws of the Republic of Kazakhstan.

3. Associations (unions) and self-regulatory organizations specified in paragraph 1 of this article that have been accredited in the National Chamber are entitled to participate in the procedure established by this Law in the work:

- 1) Conference of the National chamber;
- 2) the presidium of the National chamber;
- 3) committees of the presidium of the National chamber.

Self-regulating organizations in the field of entrepreneurial activity, based on mandatory membership, are accredited in the National Chamber without checking for compliance with the established criteria for accreditation.

4. The National Chamber has the right to engage on a contractual basis, associations (unions) and self-regulating organizations accredited in the National Chamber to perform the functions provided for in this Law and other legislative acts of the Republic of Kazakhstan.

5. Associations (unions) and self-regulatory organizations specified in paragraph 1 of this article that have been accredited in the regional chamber are entitled to nominate candidates for the membership of regional councils in the manner prescribed by this Law.

6. The regional chambers, within the framework of their competence established by the charter of regional chamber, have the right to engage, on a contractual basis, associations (unions) accredited in the regional chamber and self-regulating organizations to perform the functions provided for in this Law and other legislative acts of the Republic of Kazakhstan.

7. The National Chamber interacts with self-regulating organizations referred to in paragraph 1 of this article on issues of self-regulation, as well as:

- 1) contributes to the development of rules and standards of self-regulating organizations in the field of entrepreneurial activity, and also provides a conclusion on the rules and standards of self-regulating organizations in the field of entrepreneurial activity based on mandatory membership (participation);

- 2) submits for the expertise to self-regulatory organizations in the field of entrepreneurial activity drafts of regulatory legal acts of the Republic of Kazakhstan relating to the activities of self-regulating organizations and their members (participants) entering the National Chamber;

- 3) when introducing self-regulation based on mandatory membership (participation) of business entities, conducts an alternative analysis of the regulatory impact in case of



disagreement with the findings of regulatory impact analysis conducted by regulatory authorities;

4) provides the services of an arbitration court and arbitration to resolve disputes arising between members of a self-regulatory organization in the field of entrepreneurial activity, and between them and consumers made by members (participants) of a self-regulatory organization of goods (work, services), other persons in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 6 as amended by Law of the Republic of Kazakhstan № 391-V dated 12.11.2015 (shall be enforced upon expiry of six months after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

**Article 7. Interaction of the National chamber with legal entities with the participation of the National chamber as amended by the Law of the Republic of Kazakhstan dated founder**

1. For purposes provided for by this Law, the National chamber shall be entitled to create legal entities, included in the system of the National chamber.

2. Goals, tasks and activities of legal entities, specified in paragraph 1 of this Article, shall be determined by the National chamber.

**Chapter 3. Competence of the National chamber Article 8. The procedure of execution of functions of the National chamber**

1. National chamber shall carry out the functions provided for by this Law and other legislative acts of the Republic of Kazakhstan.

2. Taking into account provided for by this Law system National chamber shall:

1) functions that are implemented on the republican level, provided for by this Law and other legislative acts of the Republic of Kazakhstan and that involve interaction with the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the central state bodies, carried out by the National chamber;

2) functions that are implemented on the territorial level, in accordance with this Law and other legislative acts of the Republic of Kazakhstan and that involve interaction with local representative and executive bodies, bodies of local self-government, regional chambers;

3) functions, that are implemented at the international level, provided for by this Law and other legislative acts of the Republic of Kazakhstan and that involve interaction with foreign and international organizations, as well as functions for the promotion of foreign economic activity of entrepreneurs and attraction of investments into economy of the Republic of Kazakhstan shall be carried out by the National chamber, as well as by branches and representative offices, located on the territory of a foreign state and (or) legal entity with its participation as a founder.

## **Article 9. Functions of the National chamber on representation, protection of rights and legal interests of business entities**

1. The National Chamber represents, protects the rights and legitimate interests of business entities in the state bodies of the Republic of Kazakhstan, as well as international organizations and foreign states in accordance with this Law, other regulatory legal acts and the charter of the National Chamber, with the exception of the rights and legitimate interests of business entities in the system of social partnership provided for by Chapter 13 of the Labor Code of the Republic of Kazakhstan.

.2. The National chamber shall:

1) represent the interests of entrepreneurship in the Government of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan and other state bodies;

2) takes part in working out of the standard legal certificates, concerning interests of subjects of business, except for projects of standard legal certificates of the central and local executive bodies, and also the mayors, providing decision-making on an establishment (cancellation) of a quarantine zone with introduction of a quarantine mode on corresponding territory, on an establishment (removal) of quarantine and (or) restrictive actions in the cases provided by the legislation of the Republic of Kazakhstan in the field of veterinary science, and also announcement of blackout

3) carries out mandatory examination of regulatory policy advisory documents, draft laws and other regulatory legal acts affecting the interests of private business entities, with the exception of draft regulatory legal acts of central and local executive bodies, as well as akims, providing for the adoption of decisions on the establishment (cancellation) of a quarantine zone with the introduction of a quarantine regime in the relevant territory, on the establishment (removal) of quarantine and (or) restrictive measures in cases provided for by the legislation of the Republic of Kazakhstan in the field of veterinary medicine, as well as the declaration of a natural and man-made emergency;

4) carry out development and submission to the Government of the Republic of Kazakhstan of proposals on the issues of transfer of functions of central and (or) local executive bodies in the sphere of entrepreneurial activity to the competitive environment, with the exception of functions of state regulation of activities of financial organizations and financial market;

4-1) coordinate the work of business entities and their associations, accredited in the National Chamber, on the issues of transfer of functions of central and (or) local executive bodies to the competitive environment;

4-2) carry out selection of functions of central and (or) local executive bodies for transfer to the competitive environment on an annual basis together with central and (or) local executive bodies;



4-3) carry out collection, analysis and publication of proposals of business entities and their associations on the functions of central and (or) local executive bodies proposed for transfer to the competitive environment;

4-4) take part in the analysis of market readiness for the functions of central and (or) local executive bodies proposed for transfer to the competitive environment;

4-5) take part in consideration of issues of poor-quality performance of the functions of central and (or) local executive bodies, transferred to the competitive environment;

5) take part in the work of the collegiate consultative and advisory bodies at central and local state organs, created on matters affecting the rights and obligations of entrepreneurs;

6) form arbitration in accordance with the Law of the Republic of Kazakhstan "On Arbitration".

7) conduct public hearings on questions of entrepreneurship.

3. Public hearings on questions of entrepreneurship shall be conducted in accordance with the procedure provided for by this Law and the statutes of the National chamber.

In public hearings can take part the deputies of the Parliament of the Republic of Kazakhstan and local executive bodies, representatives of state bodies, bodies of local self-government bodies, organizations, business entities, funds of mass media.

Representatives of central executive bodies, that are members of the Government of the Republic of Kazakhstan and local executive bodies shall take part in public hearings on the invitation of the presidium of the National chamber.

**Footnote. Article 9 as amended by Laws of the Republic of Kazakhstan № 481-V dated 06.04.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 489-V dated 08.04.2016 (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 21.01.2019 № 217-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 19.04.2019 No. 250-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 04.05.2020 No. 321-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 12.03.2021 No. 15-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

## **Article 10. Functions of the National chamber in the field of public monitoring**

1. The National chamber shall:

1) carry out public monitoring;

2) submit to the Government of the Republic of Kazakhstan proposals on improvement of activities of central and local state bodies on the issues of entrepreneurship;

3) participate in assessing the effectiveness of corporate governance in state-controlled joint stock companies.

2. National chamber on a regular basis shall carry out the preparation and conduct of independent rating of "Business climate".

3. National chamber shall provide with information society and the state on the condition of entrepreneurial activity by preparing and publishing annual national report on the condition of entrepreneurial activity in the Republic of Kazakhstan.

4. National chamber on a regular basis shall carry out collection, compilation and analysis of information on observance by state bodies and (or) public servants of the rights and legal interests of business entities.

The results of the conducted analysis shall be submitted to the Government of the Republic of Kazakhstan and (or) authorized state bodies.

The results of the conducted analysis following the results for a year shall be submitted for a consideration to the President of the Republic of Kazakhstan as a part of the annual national report on the condition of entrepreneurial activity in the Republic of Kazakhstan.

#### **Article 11. Functions of the National chamber in the field of organization of supporting and development of entrepreneurship**

1. The National Chamber in the manner prescribed by regulatory legal acts:

1) takes part in the management of special economic zones;

2) in coordination with the authorized body in the field of transport and communications, can participate in construction (reconstruction), operation (exploitation) of infrastructure facilities of checkpoints of the Republic of Kazakhstan, including the service (customs) infrastructure with their equipment and technical equipment (for excluding special equipment of state control bodies), as well as the maintenance and repair of buildings, premises and facilities required for the organization at these points and border, customs types of control, by attracting investments;

3) analyzes and summarizes the practice of corporate governance;

4) organizes and conducts a competition for the award of the President of the Republic of Kazakhstan "Altyn Sapa" and the contest-exhibition "The Best Goods of Kazakhstan;

5) takes part and submits a conclusion on creation of industrial zones to the state authorities.

1-1. National Chamber:

1) performs the functions of an operator of non-financial support for individuals applying for entrepreneurial activity and business entities, including service support for entrepreneurs, as stipulated in the documents of the State Planning System of the Republic of Kazakhstan;

2) performs the functions of an operator of the system of development and promotion of domestic goods and services exports, as provided for by the documents of the State Planning System of the Republic of Kazakhstan;

3) organizes training of entrepreneurs, and also provides them with consulting services for opening and running a business;

3-1) perform the functions of an operator in terms of organizing inspections of quarantine objects, zones, places, production sites, free or quarantine objects having limited distribution and (or) alien species by the representatives of the importing country;

3-2) perform the functions of an operator in terms of organizing inspections of production facilities engaged in animal breeding, procurement (slaughter), storage, processing and sale of animals, products and raw materials of animal origin, as well as organizations for the production, storage and sale of veterinary preparations, feed and feed additives for the purpose of exporting transported (moved) objects by the representatives of the importing country;

4) takes part in the development of standards and technical regulations and ensures their compliance in accordance with the legislation of the Republic of Kazakhstan by entrepreneurs ;

5) takes part in the development of modern standards of customs infrastructure in order to improve the provision of services in the field of customs in accordance with the legislation of the Republic of Kazakhstan.

2. The National Chamber takes part in the development of national fuel and energy balance plans by authorized state bodies, sale and consumption of raw materials and goods in the economic sectors.

3. The National Chamber creates and maintains, administers and develops a single Internet portal for business entities and the Government for Business web portal.

**Footnote. Article 11 as amended by Laws of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated October 28, 2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 399-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

## **Article 12. Functions of the National Chamber in supporting domestic production and increasing the share of intra-country value**

**Footnote. Title as amended by Law of the RK No. 87-VII of 27.12.2021 (shall take effect ten calendar days after the date of its first official publication).**

1. In the way prescribed by regulations, the National Chamber shall engage in the implementation of measures to support domestic production and increase the share of intra-country value in procurements, including:

1) forms and maintains the register of domestic producers of goods, works and services, as well as develops criteria for voluntary inclusion of applicants in the register of domestic producers of goods, works and services;

2) carrying out the collection, processing and generalization of the data and information on produced, manufactured and planned procurement of goods, works and services at the

annual, mid and long term, provided for by authorized organizations for analysis and monitoring;

2-1) concludes agreements with the authorized bodies in the field of hydrocarbons, uranium and solid minerals mining to stimulate entrepreneurship, provided for in Article 39-1 of the Code of the Republic of Kazakhstan "On subsoil and subsoil use", and also monitors the implementation of their conditions, publication of the results of monitoring on Internet resources;

3) carrying out the analysis of the market of goods, works and services, including the creation and maintenance of information analytical system of monitoring of the market of goods, works and services;

4) conducts analytical studies in the field of procurement and increasing the share of intra-country value;

5) creates, develops, maintains and maintains a single access point to procurement and approves the rules for its formation and maintenance.

2. The National Chamber shall be involved in monitoring the performance of contractual obligations by subsoil users in terms of intra-country value in goods, works, services, human resources and social development of territories.

**Footnote. Article 12 as amended by the laws of the Republic of Kazakhstan of 05.10.2018 No. 184-VI (shall be enforced upon the expiration of ten calendar days after its first official publication); of 26.12.2018 No. 202-VI (shall be enforced dated 01.01.2019); dated 15.11.2021 No. 72-VII (shall be enforced from 01.01.2022); No. 87-VII of 27.12.2021 (shall be enacted ten calendar days after the day of its first official publication).**

**Article 13. Functions of the National Chamber in the field of training, retraining, upgrading and recognition of professional qualifications of professionals in sectors of the economy and development of technical and vocational education**

**Footnote. The title of Article 13 - as reworded by Law of the Republic of Kazakhstan No. 15-VIII dated 04.07.2023 (shall become effective upon expiry of sixty calendar days from the date of its first official publication).**

The National chamber in accordance with the procedure provided for by the regulatory legal acts shall:

**1) excluded by Law of the Republic of Kazakhstan No. 15-VIII dated 04.07.2023 (shall be put into effect upon expiration of sixty calendar days from the date of its first official publication);**

1-1) approves unified and (or) intersectoral model norms and labor standards for all spheres of activity;

2) take part in the state certification of organization of professional and technical education, with the exception of autonomous organizations of education;

3) take part in the work of consultative and advisory bodies for licensing educational activities of legal entities that implement educational training programmes for technical and professional education;

4) exercise functions in the field of recognition of professional qualifications envisaged by the Law of the Republic of Kazakhstan “On Professional Qualifications”;

5) take part in the collegial governing bodies of state organizations of technical and vocational education by agreement, with the exception of autonomous organizations of education;

6) submit proposals for the formation and placement of state order for training in accordance with the labour market needs branches of economy;

7) participate in the activities of the sectoral and regional councils for development of technical and professional education and training;

8) participate in the development of teaching and learning aids, including state compulsory standards of education, educational curricula and plans for technical and professional education;

9) monitor the needs of business entities in professional staff;

10) develop and implement measures to promote the employment of specialists;

11) establish training centres for professional training, retraining, advanced training and qualification in professions (specialties) on technical and service work;

12) take part in the collection and analysis of information on execution of subsoil commitments on expenditure for training, qualification improvement and retraining of employees that are citizens of the Republic of Kazakhstan, engaged in the implementation of a contract, or training of citizens of the Republic of Kazakhstan on the list of specialties, approved by an authorized body.

**Footnote. Article 13 as amended by Law of the Republic of Kazakhstan № 415-V dated 23.11.2015 (shall be enforced from 01.01.2016); No. 15-VIII dated 04.07.2023 (shall be put into effect upon expiration of sixty calendar days from the date of its first official publication)**

#### **Article 14. Functions of the National chamber in the field of development of foreign economic activity of business entities, attraction of investments and diversification of national economy**

The National chamber shall:

1) create and liquidate the branches and representative offices abroad;

2) jointly with foreign organizations form a business councils and other consultative and advisory bodies in accordance with the legislation of the Republic of Kazakhstan and provision of international treaties;

3) maintain the register of international exhibitions and fairs, national and regional exhibitions and fairs, held in the Republic of Kazakhstan as well as international exhibitions abroad with the participation of the Republic of Kazakhstan;

- 4) provide international marketing and advertising support for promotion of Kazakhstan goods and services in the world market;
- 5) provide information, appraisal, brokerage, marketing, advertising, translation and consulting services on issues of foreign economic activity;
- 6) carry out collection, analysis and providing to its members with information on the legislation of all countries on issues of the regulation of export-import, ongoing fairs, exhibitions, international trade and payments, other issues, related to international trade and domestic activity;
- 7) carries out registration, certification, issuance of a certificate of origin of goods and cancellation of its validity in the manner established by the authorized body in the field of regulation of trading activities;
  - 7-1) registers exporters in the information systems of countries of import in order to confirm the country of origin of goods in the manner determined by the authorized body in the field of regulation of trade activities;
- 8) keeps a copy of the certificate of origin of goods and documents confirming the origin of goods, according to the list approved by the authorized body in the field of regulation of trading activities, for at least three years from the date of issue of the certificate of origin of goods;
- 9) at least once a year sends to the authorized body in the field of customs and the authorized body in the field of regulation of trading activities, samples of seals, signatures of persons authorized to certify certificates of origin of goods;
- 10) submit quarterly to an authorized body in the field of regulation of trading activities on issued certificates on the origin of goods;
- 11) carry out independent examination of goods, with the exception of examination on definition of the country of origin;
- 12) determine the order of conducting and keep the register of business entities, participants of foreign economic activity, financial and economic position that allows to determine the level of their reliability as partners for entrepreneurial activities, drawn up as agreed with the specified persons;
- 13) evidence of circumstances of force majeure in accordance with the conditions of foreign-trade deals and international treaties of the Republic of Kazakhstan, as well as trade and port customs, recognised by the Republic of Kazakhstan;
- 14) be a guarantor and issue documents on temporary importation in accordance with the international obligations of the Republic of Kazakhstan.
- 15) determines the status of goods of the Eurasian Economic Union and (or) foreign goods;
- 16) organizes the production of forms of certificates of origin of goods in accordance with the forms approved by the authorized body in the field of regulation of trade activities;

17) establish and maintain a register of business partners under the procedure determined by the Central Competent Authority for State Planning;

18) ensures confidentiality and takes the necessary measures, including legal, organizational and technical, to protect the data of the register of business partners in accordance with the legislation of the Republic of Kazakhstan;

19) provides services based on the register of business partners.

The list of services and the procedure for their provision to domestic and foreign business entities, state bodies and other persons are determined by the Congress of the National Chamber.

**Footnote.** Article 14 as amended by Laws of the Republic of Kazakhstan № 225-V dated 02.07.2014 (see Art. 2 for the enactment procedure); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 26.12.2017 № 124-VI (shall be enforced 01.01.2018); dated 02.01.2021 No. 399-VI (shall be enforced from 01.07.2021); dated 30.12.2020 No. 397 -VI (see Article 2 for the procedure of enactment); No. 223-VII of 19.04.2023 (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 14-1. Functions of the Business Rights Commissioner of Kazakhstan**

**Footnote.** Article 14-1 is excluded by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).

### **Chapter 4. Creation, reorganization and liquidation of the National chamber Article 15.** **Particularities of creation the National chamber**

1. The National chamber shall be created in any of the legal form of noncommercial organization.

National chamber shall not be entitled to engage in political activities, to create and reorganize itself into a political party.

2. Regional chambers shall be created by the National chamber in each oblast, city of the republican significance and the capital.

On the territory of the oblast, city of the republican significance and the capital can be created and act only one regional chamber.

3. In the regions of the relevant oblasts, cities of regional, republican significance and the capital, as well as in the cities of oblast and regional significance, branches of the regional chamber are established.

**Footnote.** Article 15 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

#### **Article 16. Property of the National chamber**

1. Property of the National chamber can be formed at the expenses of:



- 1) mandatory membership dues and fees;
- 2) the receipts (incomes) from the provided services;
- 3) other not prohibited by the laws of the Republic of Kazakhstan revenues.

Property of the National chamber formed in accordance with this Law, shall belong to it on the right of ownership.

2. Excluded by Law of the RK No. 101-VII of 03.01.2022 (shall be put into effect sixty calendar days after the date of its first official publication).

3. The founders of the National chamber shall not have property rights to the property of the National chamber.

The founders of the National chamber shall not be liable for its obligations, the National chamber shall not be responsible for obligations of its founders.

4. The income from entrepreneurial activity of the National chamber cannot be distributed among its members and shall be sent to statutory goals.

Footnote. Article 16 as amended by Law of the RK No. 101-VII of 03.01.2022 (shall come into effect upon expiration of sixty calendar days after the date of its first official publication).

#### **Article 17. Reorganization and liquidation of the National chamber**

Reorganization and liquidation of the National chamber shall be carried out in accordance with the laws of the Republic of Kazakhstan.

#### **Chapter 5. Management of the National chamber, regional chambers and branches of the regional chambers**

##### **Article 18. Bodies of management of the National chamber, regional chambers and branches of the regional chambers**

1. Bodies of management of the National chamber shall be:

- 1) conference - the supreme governing body;
- 2) presidium - the governing body;
- 3) management board - the executive body;
- 4) commission of audit - financial supervisory authority.

2. Management bodies of the regional chambers and branches of the regional chambers shall be:

- 1) the regional council - the supervisory authority;
- 2) the directorate - the executive body of the regional chamber;
- 3) the director - the executive body of the branches of the regional chambers.

3. Other bodies may be established in the National Chamber and regional chambers in accordance with their statutes.

4. The work in the supreme managing body and managing body of the National chamber shall be carried out on a gratuitous basis.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan No. 160-VI dated 13.06.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

## **Article 19. The conference of the National chamber**

1. The conference of the National chamber (hereinafter - conference) shall be headed by the chairman of the presidium of the National chamber and shall be formed of an equal number of representatives of accredited republican intersectoral, sectoral associations (unions), as well as to republican associations (unions) of small, medium, and (or) large businesses and delegates of the regional councils.

2. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2018 № 160-VI (shall be enforced dated 22.07.2018).

3. The exclusive competence of conference shall be:

1) approval of the charter of the National chamber, the introduction of amendments and (or) additions;

2) election and dismissal of members of the presidium of the National chamber and members of the commission of audit of the National chamber;

2-1) approval of the procedure, terms of holding elections of delegates of regional councils and the procedure of formation of regional councils;

3) approval of the quantitative composition of regional councils taking into account the total number of business entities and associations (unions), registered (authenticated user registration) on the territory of the corresponding oblast, city of republican significance and the capital;

4) approval of reports of the presidium of the National chamber and the managing of the National chamber;

5) approval of the size of compulsory membership fees in line with the gradation established by the Congress within the groups of business entities indicated in paragraph 2 of Article 29 hereof, for which the Central Competent Authority for State Planning has approved the ceilings of compulsory membership fees;

6) making decisions on establishment of legal entities with the participation of the National chamber as a founder, the definition of their goals, tasks and authorities;

7) approval of the budget of the National chamber;

8) approval of the annual report of the commission of audit of the National chamber;

9) taking decision on establishing branches and representative offices of the National chamber on the territory of foreign states;

10) approval of annual report about results of activity of the National chamber, subjected to publication in mass media;

11) approval of the list of free services, provided to members of the National chamber.

12) taking decisions on exemption from payment of mandatory membership fees.

4. The conference shall be entitled to take decisions upon presence at the meeting of the simple majority from the total number of appointed representatives and elected delegates.

Voting at the conference shall be carried out on principle of "one representative (delegate) - one vote". The voting shall be done in person. The procedure of voting at the conference shall be determined by the charter of the National chamber.

Decisions on issues belonging to the competence of the conference shall be accepted by a simple majority of the votes present at the meeting of the representatives and delegates.

Transfer of the voting right, as voting for other persons shall be prohibited.

5. The procedure for electing delegates to the Congress from regional councils is determined by the Charter of the National Chamber.

**Footnote. Article 19 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 13.06.2018 № 160-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); No. 223-VII of 19.04.2023 (shall be implemented ten calendar days after the day of its first official publication).**

#### **Article 20. Procedure of convocation of a conference**

1. Conference shall be convened by the presidium of the National chamber not less than once a year.

2. An extraordinary session of conference shall be convened by the decision of the presidium of the National chamber.

3. Preparation and holding of conference shall be made by the management of the National chamber.

4. The participants of the conference shall be notified of the upcoming conference not later than forty-five calendar days before date of conference.

5. Notice on holding of conference shall be published in mass media, distributed on the whole territory of the Republic of Kazakhstan, including on the Internet-resources.

6. Holding of the second session of conference can be appointed not earlier than the day after the date set for holding of conference in case, if initially conference has not been held.

#### **Article 21. Presidium of the National chamber**

1. The Presidency of the National Chamber (hereinafter referred to as "the Presidency") consists of 51 members and is headed by its President.

Presidium shall be formed of:

- 1) three representatives of the Government of the Republic of Kazakhstan;
- 2) sixteen deputies of the Parliament of the Republic of Kazakhstan and public figures of the Republic of Kazakhstan;
- 2-1) The Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan;

3) sixteen representatives of accredited republican intersectoral, sectoral associations (unions), as well as of republican associations (unions) of small, medium, and (or) large entrepreneurship;

4) sixteen chairmen of regional councils.

2. For the purposes of formation of the composition of the presidium by the decision of conference shall be elected and dismissed from the position the members of the presidium:

1) excluded by the Law of the Republic of Kazakhstan dated 13.06.2018 № 160-VI (shall be enforced dated 22.07.2018);

2) public officials of the Republic of Kazakhstan;

3) seventeen representatives of accredited republican interbranch, industry associations (unions), as well as republican associations (unions) of small, medium and (or) large businesses, self-regulatory organizations in the field of entrepreneurial activity;

4) seventeen chairmen of regional councils.

The term of appointment of elected presidium members shall be four years. The procedure of election and dismissal of members of the presidium from the occupied position shall be determined by the charter of the National chamber.

3. excluded by the Law of the Republic of Kazakhstan dated 13.06.2018 № 160-VI (shall be enforced dated 22.07.2018).

4. To the exclusive competence of the presidium shall be included:

1) control over course of performance of tasks and goals of the National chamber;

2) making proposals to the conference on increase of efficiency of activity of the National chamber;

3) election of the chairman and members of managing of the National chamber;

4) assisting to the management of the National chamber in cooperation with the state bodies, non-governmental, social and international and other organizations;

5) appointment of the commission of audit of the National chamber and approving reports on their outcomes;

6) approving the rules, regulations and other internal documents, used in the activity of the National chamber, unless otherwise provided for by this Law;

7) approving of qualification requirements for accreditation of associations (unions) in the system of the National chamber and the rules for accreditation of associations (unions) in the system of the National chamber;

8) appointment of the first directors of legal entities with the participation of the National chamber as a founder, on the proposal of the management of the National chamber;

9) formation of committees of the presidium, determination of their quantitative and personal composition, approval of the rules of their work;

10) approval of the standard charter of regional chambers and the model regulations on the branches of the regional chambers;

11) approval of the order of conducting of independent rating of "Business climate", the implementation of public monitoring, preparation and publication of the annual national report on the status of entrepreneurial activity in the Republic of Kazakhstan;

12) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016);

13) approval of the rules for the formation and maintenance of the register of domestic producers of goods, works and services, as well as the issuance of an industrial certificate.

5. In accordance with the charter of the National chamber the competence of the presidium can be attributed other issues.

6. Members of the presidium shall be entitled to request from the agencies of administration of the National chamber, legal entities with the participation of the National chamber as the founder the information, associated with implementation of their activities.

7. The presidium shall be authorized to take decisions upon presence at the meeting of the simple majority from the total number of members of the presidium.

The procedure of voting at meetings of the presidium shall be determined by the charter of the National chamber.

Decisions on issues referred to the exclusive scope of competence of the presidium, provided for by this Law, shall be adopted by a qualified majority of votes, constituting not less than two thirds of the total number of votes of the present at the meeting of presidium members.

Decisions on other issues shall be taken by a simple majority vote of the present at a meeting of the presidium members.

Transfer of the voting right, as voting for other persons shall not be allowed.

Footnote. Article 21 as amended by Laws of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated 13.06.2018 № 160-VI (shall be enforced dated 22.07.2018) ; dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

## **Article 22. Committees of the presidium**

1. Committees of the presidium shall be permanently working bodies of the presidium.

2. The set of committees and their work shall be determined by the presidium. Committees shall be formed on a sectoral basis. By decision of the presidium can be created by other committees.

3. The committees consist of representatives of the republican interbranch, industry associations (unions), as well as republican associations (unions) of small, medium and (or)

large businesses, self-regulatory organizations accredited by the National Chamber. The number of members of the committee is determined by the presidium and may not be less than three.

4. Committee chairmen shall be elected by the members of the relevant committee from among its members. The procedure of election of chairmen of the committees shall be established by the charter of the National chamber.

5. The decision of the committee shall be taken by a majority of votes from the total number of committee members. In case of equal number of votes, the vote of the committee chairman shall be decisive.

**Footnote. Article 22 with the change introduced by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

### **Article 23. Managing the National chamber**

1. The managing of the National chamber (hereinafter - the managing) shall be carried out by its administration by its activities.

2. The managing shall be accountable to the conference and the presidium. The term of office and set of composition of the managing members shall be approved by conference.

3. The composition of the managing members cannot be less than five members. The managing shall be chaired by the chairman.

4. The chairman and managing members shall be elected by the presidium.

5. The competence of the managing shall include reviewing and taking decisions on questions of activity of the National chamber that are not in accordance with this Law and the charter of the National chamber of the exclusive competence of the conference and presidium.

6. Managing meetings shall valid if attended by more than a half of its members. Decisions shall be taken by majority of votes from the set of present members of meeting. Upon equality of votes, the decision shall be considered as adopted, if has voted for it the chairman.

7. Members of the managing, excluding the chairman, cannot be elected in other management bodies of the National chamber.

8. The chairman of management shall:

1) without power of attorney act in the interests and on behalf of the National chamber on the whole territory of the Republic of Kazakhstan and abroad;

2) carry out current management of the National chamber;

3) conclude (accept) on behalf of the National chamber contracts and other documents, related to the main activity;

4) represent the interests of the National chamber and cooperate with state bodies and other organizations;

5) appoint and dismiss deputy of chairmen of the management board from among the managing members;

6) organize the work of the National chamber, forms and approve the personnel arrangements, salaries amounts, carry out the recruitment and dismissal of employees in accordance with labor legislation of the Republic of Kazakhstan, adopt, in respect of them measures of encouragement and disciplinary punishment;

7) open accounts in banks, organize keeping of the accounting records and preparation of financial statements in accordance with the requirements of the legislation of the Republic of Kazakhstan;

8) manage the assets and property of the National chamber in accordance with this Law and the charter of the National chamber;

9) organize keeping of the register of members of the National chamber;

10) organize the information layout on the results of activity of the National chamber, the work of its conference, the presidium, management and commission of audit of the National chamber in mass media information, distributed on the whole territory of the Republic of Kazakhstan, including on the Internet-resources;

11) exercise other functions that are not prohibited by the laws of the Republic of Kazakhstan and the charter of the National chamber.

#### **Article 24. Commission of audit of the National chamber**

1. To exercise control over financial and business activities of the National chamber by the supreme body of management shall be formed commission of audit of the National chamber (hereinafter - the commission of audit) in an amount not less than five members.

2. Members of the commission of audit cannot be members and chairmen of the presidium, management board and their close relatives.

3. The commission of audit shall perform its activities in accordance with the regulations approved by the conference.

#### **Article 25. Regional council**

1. The regional council is a supervisory body of the regional chamber and is formed in the order approved by the congress from the delegates from business entities, as well as from the representatives of associations (unions), self-regulatory organizations in the field of entrepreneurial activity within the quota established by the congress differentiated for each region, city of national importance and the capital.

2. Delegates of the regional council are elected by direct voting by delegates from business entities in district and branch councils of the regional chamber for a period of four years in accordance with the procedure approved by the congress.



3. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2018 № 160-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

4. Excluded by the Law of the Republic of Kazakhstan dated 13.06.2018 № 160-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

5. The regional council shall be headed by a chairman, elected by the members from among its members by secret voting by simple majority vote for a term of their authority. A Chairman of the regional council shall be a member of the presidium.

6. The regional council shall:

1) assist the directorate of the regional chamber in cooperation with the bodies of state authorities, non-governmental, public and international organizations;

2) contribute to the implementation of the program documents, adopted by the management bodies;

3) elect delegates to the congress;

4) supervise the implementation of tasks and goals of the National chamber within the framework of regional chamber activity and the branches of the regional chambers;

5) ensures the consideration of interests of specific industries and sectors of the economy in the current activity of regional chambers;

6) submit proposals to the congress on increase of efficiency of activity of the National chamber;

7) agree to assign candidacies of the heads of regional chambers and branches of the regional chambers;

8) conduct public hearings on the issues of entrepreneurship;

9) decide on other issues assigned to the regional council in accordance with the charter of the regional chamber.

7. The members of the regional council shall be entitled to request from the management bodies of regional chambers and its branches, legal entities with the participation of the National chamber as the founder the information, associated with the execution of their activities.

8. Decisions of the regional council shall be taken by simple majority of votes of members , participating at the session of the regional council. In case of equality of votes the vote of chairman shall be decisive.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 13.06.2018 No. 160-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

## **Article 26. Executive bodies of the regional chambers, districts and cities branches**

The directorate of the regional chamber is appointed by the board in agreement with the regional council.

1-1. The director of the branch of the regional chamber is appointed and dismissed by the directorate of the regional chamber in agreement with the regional council.

2. In case of disagreement between the regional council and the board regarding the appointment of the directorate of the regional chamber, such a decision is taken by the presidium.

3. Candidates for the position of directorate of regional chamber and the relevant branches of the regional chambers shall be obliged to have qualifications and experience in accordance with the requirements provided for by the conference.

**Footnote. Article 26 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).**

#### **Article 26-1. The Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan**

1. The legal status of the Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan is determined by Business Code of the Republic of Kazakhstan.

2. Information and analytical, organizational and legal and other support for the activities of the Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan is carried out by his staff.

The structure, numerical and personal composition of the staff is approved by the National Chamber in consultation with the Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan.

The Regulations on the staff of the Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan are approved by the Commissioner for the Protection of Rights of Entrepreneurs of Kazakhstan.

**Footnote. Chapter 5 is supplemented by Article 26-1 in accordance with Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).**

#### **Article 26-2. National Council on Corporate Governance**

1. The National Council on Corporate Governance (hereinafter referred to as the National Council) shall be a collegial advisory and consultative body under the Presidium.

In its activities, the National Council shall operate independently from the bodies of the National Chamber.

2. The National Council shall consist of representatives of the central competent authority for state planning, the competent authority for state property, the competent authority for regulation, control and supervision of the financial market and financial organizations, national holdings, stock exchanges, specialized international institutions, other interested organizations, and authoritative international and national experts in the field of corporate governance.

3. The chairman and members of the National Council shall be elected by a decision of the presidium for a four-year term, with the possibility of re-election.

4. Decisions of the National Council shall be made by a qualified majority of votes, constituting two-thirds of the total number of votes participating in an in-person or in-absentia meeting of the members of the National Council.

The quorum for in-person or in-absentia meetings of the National Council shall consist of two-thirds of the total number of elected members.

5. The National Council shall:

1) elaborate recommendations to the Government of the Republic of Kazakhstan and interested public authorities on the development of corporate governance in the Republic of Kazakhstan;

2) in coordination with the Government of the Republic of Kazakhstan and the competent authority on regulation, control and supervision of the financial market and financial organizations, develop and adopt the Kazakhstan (country) Corporate Governance Code and other standards of corporate governance, being of recommendatory nature;

3) promote corporate governance based on the agreement concluded by the National Chamber with the Government of the Republic of Kazakhstan and the competent authority for the regulation, control and supervision of the financial market and financial organizations, and stipulating measures for the development of corporate governance in the Republic of Kazakhstan, in particular, on practical implementation of the Kazakhstani (country) corporate governance code and other standards of corporate governance, evaluation of the level of corporate governance;

4) compile an annual review of corporate governance practices in Kazakhstani joint stock companies;

5) endorse the annual work plan;

6) publish an annual report on the work done;

7) establish the necessary rules and procedures for the work of the National Council.

6. Information on the activities of the National Council, including the Kazakhstani (country) corporate governance code and other corporate governance standards adopted thereby, shall be posted publicly on the Internet resource of the National Chamber.

**Footnote. Chapter 5 as supplemented by Article 26-2 under Law of the RK No. 95-VII of 30.12.2021 (shall take effect ten calendar days after the day of its first official publication).**

## **Article 27. Conflict of interests**

Use of official position with the purposes contradicting to the purposes, specified in this Law and the charter of the National chamber shall be prohibited.

Measures to prevent and (or) regulate the conflict of interests shall be determined by the charter of the National chamber.

## **Chapter 5-1. Business Rights Commissioner of Kazakhstan**

**Footnote. Chapter 5-1 is excluded by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).**

## **Chapter 6. Members of the National chamber. Mandatory membership dues and fees Article 28.**

### **Members of the National chamber**

1. Members of the National chamber shall be business entities, unless otherwise provided for by this Law.

2. Members of the National chamber shall be entitled to:

1) make use of professional support and protection by the National chamber, as well as services provided by its charter;

2) elect and be elected to its governing bodies;

3) apply to the National chamber with written queries and receive motivated responses within the scope of National chamber competence, submit proposals on improvement of the organization of its activity;

4) participate in management of the National chamber in accordance with the procedure provided for by this Law and its charter;

5) training, retraining and raising of qualification, organized by the National chamber;

6) receive the qualified informational-analytical support, including services of independent experts of various profiles;

7) hear reports on the activities of the National chamber in accordance with the procedure provided for by its charter;

8) enjoy other rights provided for by the legislative acts of the Republic of Kazakhstan.

3. Members of the National chamber shall be obliged to pay mandatory membership dues and fees.

4. Members of the National chamber shall be equal in their rights.

5. National chamber shall not be entitled to interfere in the activities of business entities, violate their rights and legal interests.

6. Dispute resolution shall be implemented in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan.

### **Article 29. Compulsory membership fees**

1. The amount of mandatory membership fees approved by the Congress shall be published annually by July 1st in the mass media by the National Chamber, including Internet resources.

2. To determine the amount of mandatory membership fees, business entities specified in paragraph 2 of Article 4 of this Law are divided into:

1) business entities with aggregate annual income not exceeding sixty thousandth of the monthly calculated index for the previous reporting calendar year established by the law on republican budget and effective as of January 1st of the previous reporting calendar year;

2) business entities with aggregate annual income above sixty thousandth of the monthly calculated index and not exceeding one and a half million times the monthly calculated index for the previous reporting calendar year, established by the law on republican budget and effective as of January 1st of the previous reporting calendar year;

3) business entities with an aggregate annual income of over one and a half million times of the monthly calculated index for the previous reporting calendar year, established by the law on republican budget and effective as of January 1st of the previous reporting calendar year.

3. To approve the amount of mandatory membership fees, the Congress establishes a gradation within the groups of business entities specified in paragraph 2 of this article.

4. The National Chamber shall issue invoices to business entities for calculation on mandatory membership fee on the basis of information provided by the state revenue body in accordance with the procedure established by the Code of the Republic of Kazakhstan "On Taxes and Other Mandatory Payments to the Budget" (Tax Code).

5. Subjects of entrepreneurship shall pay mandatory membership fees in equal shares no later than 25th May, 25th August, 25th November of the current year on the basis of an invoice issued by the National Chamber.

6. By decision of the congress of the organization, the number of individuals with disabilities during the reporting period of which shall be at least fifty-one percent of the total number of employees can be exempted from paying mandatory membership fees.

7. By the decision of the Congress for business entities that are members of a self-regulatory organization based on mandatory membership (participation), the amount of their mandatory membership fees to the National Chamber is reduced, which is conducted no later than forty-five calendar days from the date of the establishment of a self-regulatory organization in the field of entrepreneurial activities based on mandatory membership (participation).

**Footnote. Article 29 in the new wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 391-V dated 12.11.2015 (shall be enforced upon expiry of six months after the day of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

**Chapter 7. Final provisions Article 30. Responsibility for violation of the legislation of the Republic of Kazakhstan on the National chamber**

Violation of the legislation of the Republic of Kazakhstan on the National chamber shall entail provided for by the laws of the Republic of Kazakhstan responsibility of the National chamber and its officials.

### **Article 31. Transitional period provisions**

1. The legal entities, registered prior to enactment of this Law, using their full names of the phrases "National chamber of entrepreneurs of the Republic of Kazakhstan", "National chamber of entrepreneurs", shall be subjected to state re-registration within three months from the day of entry into force of this Law in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan.

2. Chamber of commerce and industry of the Republic of Kazakhstan and the territorial chamber of commerce and industry shall be subjected to liquidation within one year from the date of the entry into force of this Law in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan. During liquidation of chamber of commerce and industry of the Republic of Kazakhstan and the territorial chamber of commerce and industry remaining after satisfaction the claims of creditors shall be sent to the purposes indicated in the statutory documents.

### **Article 32. Constituent and transitional periods**

1. To ensure the establishment and functioning of the National chamber shall be defined constituent period of one year and a transition period up to five years from the date of the entry into force of this Law.

2. The founders of the National chamber shall be the Government of the Republic of Kazakhstan and the association (union), that has branches in all oblasts, cities of the republican significance and capital, as well as the experience of accreditation in the central executive bodies of at least five years.

3. The founders of the National chamber shall:

- 1) approve the charter of the National chamber;
- 2) by joint decision appoint members of the presidium, except the chairman of the regional councils in the composition of the presidium per job.

4. The authority of the conference, assigned by this Law and the charter of the National chamber to the scope of its competence, during the founding period shall be covered by the presidium.

5. The managing board and the commission of audit shall be appointed by the presidency, on the terms provided for by this Law. On the proposal of the managing board the presidium shall appoint the directorate of relevant regional chambers and of members of regional councils.

Powers of the members of regional councils of regions, cities of republican value and the capital appointed according to a part of the first present point expire from the date of end of formation of regional councils of regions, cities of republican value and the capital according to article 25 of the present Law.

6. The appointed members of the regional councils shall elect their chairs. The chairs of the regional councils shall be members of the presidium after their election.

7. The chairs of the respective branches shall be appointed by the presidency on the recommendation of managing board.

8. Congress shall be convened after the founding period taking into account of requirements of this Law. During the first convocation of the congress of the management bodies shall not be elected.

9. The business entities specified in subparagraph 1) of paragraph 2 of Article 29 of this Law shall exempt from payment of the mandatory membership dues and fees within five years from the moment of the entry into force of paragraph 4 of Article 29 of this Law.

10. Excluded by the Law of the Republic of Kazakhstan 13.06.2018 № 160-VI (entered into force on the expiration of ten calendar days after the day of its first official publication).

11. After a transition period, the Government of the Republic of Kazakhstan shall emerge from the membership of the National chamber.

Footnote. Article 32 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 13.06.2018 № 160-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

### **Article 33. The order of the entry into force of this Law**

1. This Law shall be enforced upon expiry of ten calendar days after its first official publication, except for:

1) Article 14, that shall be enforced upon expiration of one year after its first official publication;

2) paragraph 2 of Article 10 and paragraph 4 of Article 29, that shall be enforced from 1 January 2014.

2. Shall be declared to be no longer in force the Law of the Republic of Kazakhstan dated 3 May 2005 "On chambers of commerce and industry" (Gazette of the Parliament of the Republic of Kazakhstan, 2005, No. 9 article 25; 2009, No. 15-16, article 23; No. 15 article 71 ) upon expiry of one year after its first official publication of this Law.

*The President  
of the Republic of Kazakhstan*