

**On the state special allowance to persons who did underground and opencast mining work, work with especially harmful and especially difficult working conditions or work with harmful and difficult working conditions**

*Unofficial translation*

Law of the Republic of Kazakhstan of July 13, 1999 N 414.

*Unofficial translation*

**Footnote. The title as amended by Law of the Republic of Kazakhstan № 9-IV as of December 19, 2007 (see Art.2 for the enactment procedure).**

This Law is aimed at the social protection of citizens who, as of January 1, 1998, had the work record, established by this Law, of underground and opencast mining work, work with especially harmful and especially difficult working conditions or work with harmful and difficult working conditions.

**Footnote. The preamble as amended by Law of the Republic of Kazakhstan № 9-IV as of December 19, 2007 (see Art.2 for the enactment procedure).**

**Chapter 1. General provisions**

**Article 1. Basic concepts used in this Law**

The following basic concepts are used in this Law:

- 1) the authorized body for granting the allowance - a territorial unit of the state body implementing the state policy in the field of social protection of the population;
- 2) the state special allowance (hereinafter referred to as the allowance) - a cash payment to persons who, as of January 1, 1998, had the work record, established by this Law, of underground and opencast mining work, work with especially harmful and especially difficult working conditions or work with harmful and difficult working conditions;
- 3) the central executive body - a state body in charge of social protection of the population, and also, within the limits provided for by the legislation of the Republic of Kazakhstan, of intersectoral coordination in this field;
- 4) the “Government for Citizens” State Corporation (hereinafter referred to as the State Corporation) - a legal entity established by the decision of the Government of the Republic of Kazakhstan to provide public services, services for issuing technical requirements for connecting to networks of natural monopoly entities and services of quasi-public sector entities in accordance with the legislation of the Republic of Kazakhstan, the organization of work on receiving applications for the provision of public services, services for the issuance of technical requirements for connection to the network of natural monopoly entities, services of quasi-public sector entities and issuance of their results to a service recipient based on the “

one-stop” principle, and also the provision of public services in electronic form, carrying out state registration of rights to immovable property at the place of its location.

*Footnote. Article 1 is in the wording of Law of the Republic of Kazakhstan № 293-V as of 17.03.2015 (to be enacted ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 408-V as of 17.11.2015 (to be enacted from 01.03.2016); № 165-VI as of 02.07.2018 (to be enacted ten calendar days after its first official publication).*

## **Article 2. Funds for the payment of the allowance**

The allowance is paid out of public funds in accordance with this Law.

*Footnote. Article 2 is amended by Law of the Republic of Kazakhstan № 13 as of December 20, 2004 (to be enacted from January 1, 2005).*

## **Chapter 2. The procedure for granting and paying the allowance**

### **Article 3. The citizens’ right to the allowance**

1. Citizens of the Republic of Kazakhstan shall be entitled to receive the allowance in the manner prescribed by this Law.

2. The allowance shall be paid monthly.

3. The allowance shall be paid regardless of the salary received.

### **Article 4. Citizens eligible for the allowance**

1. Citizens who, as of January 1, 1998, had the work record of underground and opencast mining work, work with especially harmful and especially difficult working conditions according to List N 1 of productions, works, occupations, positions and indicators approved by the Government of the Republic of Kazakhstan, are eligible for the allowance:

men - at the age of 53 and with the work record of at least 20 years, at least 10 years of which were spent doing the specified work;

women – at the age of 48 and with the work record of at least 15 years, at least 7 years 6 months of which were spent doing the specified work.

2. Citizens who, as of January 1, 1998, had the work record according to List N 2 of productions, works, occupations, positions and indicators with harmful and difficult working conditions approved by the Government of the Republic of Kazakhstan, are eligible for the allowance:

men – at the age of 58 and with the work record of at least 25 years, at least 12 years and 6 months of which were spent doing the specified work;

women - at the age of 53 and with the work record of at least 20 years, at least 10 years of which were spent doing the specified work.

2-1. Calculation of work experience is carried out in accordance with the Social Code of the Republic of Kazakhstan.

3. If the work record, required by this Law according to List N 2 of productions, works, occupations, positions and indicators, of work with harmful and difficult working conditions

is insufficient, it is necessary to add the years of the work record of underground and opencast mining work, work with especially harmful and especially difficult working conditions according to List N 1 of productions, works, occupations, positions and indicators.

4. Citizens, who retired on preferential terms before January 1, 1998 are not eligible for the allowance.

**Footnote.** Article 4 is in the wording of Law of the Republic of Kazakhstan № 9-IV as of 19.12.2007 No. 9-IV (see Art.2 for the enactment procedure); as amended by Law of the Republic of Kazakhstan № 165-VI as of 02.07.2018 (to be enacted ten calendar days after its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

#### **Article 5. The procedure and term for granting the allowance**

1. One can apply for the allowance at any time after the right thereto arises, without any time limit.

Moreover, the allowance is granted regardless of whether an applicant has stopped working by the time of applying for the allowance or still works.

2. A person eligible for the allowance shall submit an application for granting the allowance together with the documents, the list of which is fixed by the central executive body, to the State Corporation.

3. The term for granting allowances does not exceed eight working days of the registration of the application and all the necessary documents with the State Corporation.

4. The day of applying for granting the allowances is the day of the registration of the application and all the necessary documents with the State Corporation.

In case of refusal to grant the allowance, the authorized body for granting the allowance is obliged to provide written reasons for the refusal and return documents to the applicant.

5. The allowance is assigned from the date of application. The procedure for assigning, paying, suspending, recalculating, resuming, terminating the payment of benefits and reviewing the decision on its payment is determined by the central executive body.

**Footnote.** Article 5 is in the wording of Law of the Republic of Kazakhstan № 293-V as of 17.03.2015 (to be enacted ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 408-V as of 17.11.2015 (to be enacted from 01.03.2016); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

#### **Article 5-1. Refusal to accept an application and assign allowance**

1. The grounds for refusal to accept an application for appointment of allowance are:

1) obtaining information from the information system of the central executive body confirming the fact of appointment, payment, submission of an application for assignment of allowance;

2) submission by the applicant of an incomplete package of documents in accordance with the legislation of the Republic of Kazakhstan and (or) expired documents;

3) inconsistency of the information on the identity document (except for its replacement according to the legislation of the Republic of Kazakhstan, confirmed by information from state information systems) with the documents necessary for assignment of the allowance;

4) the absence of the applicant's consent to access the personal data of restricted access, which are required for assignment of allowance.

2. The grounds for refusal to assign allowance are:

1) establishing the unreliability of the documents submitted by the applicant for the assignment of allowance, and (or) the data (information) contained therein;

2) non-compliance of the applicant and (or) the submitted materials, data and information necessary for the assignment of the allowance with the requirements established by the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 2 is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).**

#### **Article 5-2. Suspension, renewal and termination of allowance**

1. The payment of allowance is suspended from the first day of the month following the month of receipt of information, including from information systems, on:

1) the absence of expenditure transactions for three or more months on the recipient's bank account. In this case, the payment of allowance is resumed from the date of suspension;

2) the availability of a supporting document on the conduct of operational search activities, including the search for a missing person who is the recipient. In this case, the payment of allowance is resumed from the date of entry into force of the judicial act on the cancellation of the court decision on the recognition of a person missing, but not earlier than the date of suspension.

2. The payment of allowance is resumed upon application on the basis of documents and (or) information received, including from information systems, confirming the expiration of the circumstances that caused the suspension of the payment of allowance.

3. The payment of allowance is terminated from the first day of the month following the month of receipt of information, including from information systems, on:

1) the death of the recipient;

2) revelation of the fact of loss or renunciation of citizenship of the Republic of Kazakhstan;

3) receipt of a request for the case of the recipient of the allowance from the authorized body of the country of departure;

4) receipt of the recipient's application for termination of the allowance payment with the submission of a document confirming his removal from registration with the internal affairs bodies;

5) revelation of the fact of the recipient's departure for permanent residence outside the Republic of Kazakhstan, including from information systems;

6) revelation of the fact that the applicant submitted false information that entailed an unjustified assignment.

Footnote. Chapter 2 is supplemented by Article 5-2 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

#### **Article 6. The amount of the allowance**

1. The amount of the allowance granted to citizens who, as of January 1, 1998, had the work record according to List № 1 of productions, works, occupations, positions and indicators of underground and opencast mining work, work with especially harmful and especially difficult working conditions, shall be 9.42 the monthly calculation index.

2. The amount of the allowance granted to citizens who, as of January 1, 1998, had the work record according to List № 2 of productions, works, occupations, positions and indicators of work with harmful and difficult working conditions, shall be 8.38 the monthly calculated index.

3. Upon reaching retirement age, the recipient of the allowance is given the right to choose between receiving allowance in accordance with this Law or assigning retirement allowance in accordance with the Social Code of the Republic of Kazakhstan.

Footnote. Article 6 is in the wording of Law of the Republic of Kazakhstan № 180-V as of 31.03.2014 (to be enacted from 01.04.2014); as amended by Law of the Republic of Kazakhstan № 408-V as of 17.11.2015 (to be enacted from 01.03.2016); dated 20.04.2023 No . 226-VII (shall be enforced from 01.07.2023).

#### **Article 7. Payment of the allowances**

The allowances are paid for a current month through the State Corporation to the recipients' bank accounts. In case of the recipient's death, the allowance shall also be paid for the month of his/her death.

In case of death of the recipient of the allowance, family members or the person who carried out the burial are paid a one-time payment for burial in the amount of 35 monthly calculation indices.

The allowance shall be paid in the manner prescribed by the central executive body.

Footnote. Article 7 is in the wording of Law of the Republic of Kazakhstan № 180-V as of 31.03.2014 (to be enacted from 01.04.2014); as amended by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (to be enacted ten calendar days after its first official publication); № 408-V as of 17.11.2015 (to be enacted from 01.03.2016); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

### **Chapter 3. Final provision**

#### **Article 8. The procedure for the enactment of this Law**

This Law enters into force on January 1, 2000.

*President of  
the Republic of Kazakhstan*

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