RESOLUTION OF THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN

No. 1919, December 14, 1999

“On Approval of the Regulations for Implementing Export Control in the Republic of Kazakhstan and the Regulations for Formalizing Obligations with respect to the Use of Export-Controlled Products Brought into the Republic of Kazakhstan and Verifying Compliance with Those Regulations”

In accordance with the Laws of the Republic of Kazakhstan “On Licensing” of April 17, 1995, and “On Export Control of Weapons, Military Equipment, and Dual-Use Goods” of June 18, 1996, the Government of the Republic of Kazakhstan resolves:

1. To approve the following:
   (1) The Regulations for Implementing Export Control in the Republic of Kazakhstan;
   (2) The Regulations for Formalizing Obligations with respect to the Use of Export-Controlled Products Brought into the Republic of Kazakhstan and Verifying Compliance with Those Regulations.


3. This resolution shall enter into force on the date of its signing and shall be made public [or: published - trans].

The Prime Minister of the Republic of Kazakhstan K. TOKAEV
Approved by Resolution No. 1919 of the Government of the Republic of Kazakhstan of December 14, 1999

The REGULATIONS for Implementing Export Control in the Republic of Kazakhstan

I. General Provisions
1. These Regulations shall establish the procedure for licensing the export and import of export-controlled products (hereinafter – products), and re-export. The products and implementation of export control in the Republic of Kazakhstan. [sic]
2. These Regulations shall apply to natural and legal persons, regardless of form of ownership, which export and import products from/to the territory of the Republic of Kazakhstan.
3. Products shall be exported and imported in compliance with the requirements of the legislation of the Republic of Kazakhstan on the Protection of State Secrets;

II. The Procedure for Issuing Licenses for the Export and Import of products and the Grounds for Revoking, Suspending, or Refusing to Issue a License
4. To receive a license for the export (import) of a product, the exporter (importer) shall submit in writing a standard application form (hereinafter – Application) to the authorized agency of the Republic of Kazakhstan on export control [hereinafter – the Authorized Agency], [sic]
5. The Application should [or: must – trans.] contain:
   (1) the exporter (importer) and the information required of him;
   (2) the buyer (seller) and his legal address;
   (3) the buyer’s (seller’s) country;
   (4) the product’s country of destination (origin);
   (5) the customs station where the products shall be declared;
   (6) the nature of the transaction and the currency of payment;
   (7) the nomenclature and volume of product (in physical and monetary terms) including its classification in the control list and Foreign Economic Activity Commodity Classification codes;

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1 This sentence fragment, as well as the word “re-export” that was tacked on to the end of the previous sentence, both reflect the original Russian language text. In general, this document has many instances of incorrect and missing punctuation, line breaks, and typos. Some are preserved here strictly for illustrative purposes but for the most part have been corrected so that the flow of the text would not be interrupted – trans.
(8) the contract (number and dated entered into);
(9) the required period of validity of license;
(10) the appropriate permit (number and date granted) if the export (import) of the product requires permission from the Government of the Republic of Kazakhstan. 6. [sic] The following shall be attached to the Application:

(1) a copy of the contract (agreement) of purchase and sale or other alienation [meaning unclear – trans.] between the participants in a foreign trade transaction and the original (for comparison);
(2) a copy of the agreement between the importer and the consumer (end user) of the Product if the importer is being represented by an intermediary;
(3) a copy of the certificate of quality (compliance) or technical characteristics of the Products being exported or imported;
(4) a copy of the exporter’s (importer’s) Certificate of State Registration (for legal entities);
(5) a copy of the license to perform the relevant type of activity if this type of activity is subject to licensing on the domestic market;
(6) a document confirming payment of a licensee fee for the right to engage in certain types of activity;
(7) when exporting products – in accordance with the procedure established by the legislation of the Republic of Kazakhstan, a legalized original of the end-user’s import certificate issued by an authorized government agency of the recipient country and containing the obligations of the recipient country concerning the use of products imported from the Republic of Kazakhstan solely for the needs of that country and the impermissibility of their re-export to transfer to third countries without the consent of the Kazakhstani side.

Copies of documents must [or: should – trans.] be authenticated with the exporter’s (importer’s) seal.

The exporter (importer) shall be responsible for the authenticity of the submitted information.

7 [sic] After they are produced, nuclear materials, special non-nuclear materials, and dual purpose products – technologies, facilities, and equipment – may be exported to countries that do not have nuclear weapons only if assurances are received from the competent government
authorities of those countries to the effect that the exported goods they receive, as well as the nuclear materials, special non-nuclear materials, dual-purpose products, facilities, and equipment produced from them or as a result of their use:

(1) will not be used to produce nuclear weapons and other nuclear explosive devices or to achieve any type of military objective;

(2) will be under the control (guarantees) of the International Atomic Energy Agency (IAEA) during the entire period of their actual use in accordance with the agreements on guarantees between the receiving country and the IAEA: [sic]

(3) will be protected by physical safeguards at levels not lower than those recommended by the IAEA;

(4) will be re-exported (exported) or transferred from the jurisdiction of the receiving country only under conditions stipulated in subparagraphs (1) – (3) of this paragraph; uranium enriched over 20%, plutonium, or heavy water; the re-export or transfer of strictly export items will take place only with the written consent of the central executive agency for atomic energy of the Republic of Kazakhstan.

8. Missile hardware, its components, equipment, materials, and technologies, which are applied to the production of missile hardware, may be exported to countries that do not have missile weaponry only if these countries are members of the international Missile Technology Control Regime (MTCR) and only if competent government agencies of those countries provide assurances that the exported items they receive:

(1) will not be used to produce delivery systems for weapons of mass destruction, that is, capable of delivering a payload of no less than 500 kg a distance of 300 km or more and its components;

(2) will be under control in accordance with the guiding principles of the MTCR during the entire period of their actual use by the receiving country;

(3) will be provided with the necessary and sufficient physical safeguards to preclude [the possibility of] their loss, theft, and the like;

(4) will be re-exported or transferred from the jurisdiction of the receiving-country only under the conditions of this paragraph and with the written consent of the Kazakhstan side.

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2 The lack of punctuation in this sentence makes it difficult to offer more than a conjectural rendition – trans.
9. A decision on whether to issue or refuse to issue a license shall be made by the Authorized Agency within the time frame established by legislation.

In cases where the Products are exported or imported under licenses based on authorization from the Government of the Republic of Kazakhstan, the licenses shall be prepared by the Authorized Agency after the Government of the Republic of Kazakhstan issues the appropriate resolution [sic – no period – trans.]

10. When products referred to in paragraph 7 of these Regulations are exported or imported, the Authorized Agency of the Republic of Kazakhstan on atomic energy shall monitor their use in accordance with the procedure established by law.

11. In certain cases products [sic] shall be exported and imported without the adoption of special decisions by the Government of the Republic of Kazakhstan, [sic]. Such cases include the export and import of:

(1) special components for weapons and military equipment that ensure the production and repair of military goods by Kazakhstani industrial enterprises as part of interplant cooperation with enterprises of foreign countries;

(2) special components for ensuring the production of military goods for foreign countries under Kazakhstani licenses;

(3) spare parts, training and support material for weaponry and military equipment previously delivered to foreign countries in order to maintain and repair them, including the use of industry-standard [or: series-produced-trans.] components to replace those whose production has been discontinued.

In3 these cases import and export shall be conducted on the basis of a contract and a license.

12. The movement for repair purposes of Kazakhstani arms, military equipment, military training and support material, including their components, across the customs border of the Republic of Kazakhstan shall be carried out according to the decision of the Authorized Agency.

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3 The Russian language text has the number “8” instead of the word “и” meaning “in” – trans.
13. Licenses shall be issued for the period established by legislation for licensing the export (import) of goods (works, services).

14. A license issued for exporting products to one state cannot be used for exporting to another state. A license issued to one Licensee cannot be transferred to other legal or natural persons.

1a, [sic, presumably 15. – trans.] The issue of a license may be denied for reasons established by legal enactments. Upon refusal to issue a license, the exporter (importer) shall be provided with a reply in writing stating the reasons for the refusal.

16. The Authorized Agency shall have the right to suspend the validity of a license for a term of up to six months provided [?] it indicates the reason for the suspension. Reasons for suspending the validity of a license may be:
   (1) submission of an appropriate petition by the exporter (importer);
   (2) failure by the exporter (importer) to fulfill requirements contained in the license;
   (3) uncovering false information submitted by the exporter (importer) in order to receive a license;
   (4) violation by the exporter (importer) of the legislation of the Republic of Kazakhstan in the areas of licensing and export control.

The exporter (importer) and the customs authority shall be informed about the decision to suspend the validity of the issued license in writing within three days from the day the decision to suspend the license was made.

17. After eliminating the reasons that caused the license to be suspended, it shall be renewed and the Authorized Agency shall notify the exporter (importer) and the customs authorities thereof in writing.

18. A license shall be revoked or terminated in accordance with the legislative enactments of the Republic of Kazakhstan.

III. andatory Requirements for Licenses to Export and Import Products
19. Licensing regulations to conduct export and import operations with products must contain the following exporter (importer) obligations:

(1) to submit complete and accurate information needed to decide the matter of issuing a license;
(2) to stipulate in the terms and conditions of the contract that representatives of the Authorized Agency and other national government agencies of the Republic of Kazakhstan involved in the system of export control have access to inspecting the end-use of the products and that the end-user has the obligation to keep a record of work conducted on their use;
(3) when necessary, to present authorized representatives of the Authorized Agency and of other national government agencies of the Republic of Kazakhstan that are involved in the system of export control with access to inspecting Products before they are unloaded;
(4) to present to the Authorized Agency:
- information about uncovered cases of improper use of the products by the end-user;
- information and documents needed to account for and report on the export and import of the Products;
(5) to present to the customs authorities original licenses and contracts authenticated with the seal of the Authorized Agency with the imprints “ruksat-license.”

IV. Monitoring the Fulfillment of Obligations by Kazakhstani and Foreign Importers regarding the End-use of Products

20. If necessary, an inspection of the end use of products may be conducted. The inspection shall be conducted at the place where the products are used by a commission whose membership shall be affirmed by the Authorized Agency.

The commission shall consist of representatives of national government agencies of the Republic of Kazakhstan involved in the export control system and the exporter (manufacturer) of the products. The end-use inspection may also be conducted by employees of the embassies of the Republic of Kazakhstan in the relevant inspected countries and other authorized organizations.

21. Notification about conducting an inspection of a foreign importer (end user) of products shall be sent to the receiving country through the Ministry of Foreign Affairs of the Republic of Kazakhstan.

22. The commission shall submit the results of the conducted inspection to the Authorized Agency which, in the event that violations of the use of products are uncovered, shall inform the
Ministry of Foreign Affairs and the National Security Committee of the Republic of Kazakhstan about this so that the appropriate measures are taken.

V. The Procedure for Re-exporting Products
23. The export (re-export) of imported products from the Republic of Kazakhstan shall be conducted according to the procedure (established) for exporting Products.

24. The re-export of Products originating from the Republic of Kazakhstan and subject to export control shall be carried out with authorization from the Authorized Agency.

25. The mandatory requirements for issuing an authorization to re-export products imported into the customs territory of the Republic of Kazakhstan are the following:
   (1) authorization from the competent central executive authority of the country of origin;
   (2) submission to the Authorized Agency of a contract to deliver Products that are being re-exported.

VI. The Procedure for Organizing Accounting for and Reporting on the Export of Products
26. When exporting products from the Republic of Kazakhstan, the exporter must submit to the Authorized Agency:
   (1) copies of cargo customs declarations no later than three days after unloading each Product lot;
   (2) information about delivery of products to the importer (end user);
   (3) information, confirmed by copies of bank documents, about all settlements made for the delivered products.

27. After the exporter (importer) delivers the entire amount of products indicated in the license by the customs authority, which retains possession of the original license, a copy of the of the license with the appropriate notation about its fulfillment, notarized by a seal and signed by the first director of the appropriate customs authority, shall be submitted to the Authorized Agency within ten days.

28. The Authorized Agency shall maintain a data base on the export (import) of products based the documents submitted to it in accordance with these Regulations.
29. In the event that products referred to in paragraph 7 of these Regulations are exported, the exporter shall submit, within five days, copies of the licenses received and information about the actual export of Products beyond the customs territory of the Republic of Kazakhstan to the government agency of the Republic of Kazakhstan that deals with the use of nuclear energy.

30. At the request of the Authorized Agency and the National Security Committee of the Republic of Kazakhstan, customs authorities shall submit the required data about the movement of products across the territory of the Republic of Kazakhstan.
Approved by Government of the Republic of Kazakhstan Resolution No. 1919 of December 14, 1999

REGULATIONS
For Formalizing Obligations with respect to the Use of Export-Controlled Products Brought into the Republic of Kazakhstan and Compliance with Those Regulations


1. These Provisions shall regulate the relations arising in connection with the importation and end-use of export-controlled products and shall regulate the procedure for performance of licensing and verification functions in this area by the government agencies of the Republic of Kazakhstan.

2. These Regulations use the following concepts:

guaranteed obligation of the importer (end-user) – assurances by the importer and/or end-user concerning the use of export-controlled products for the stated purposes, concerning their non-transfer to other persons, and concerning prevention of their re-export to third countries without the permission of the authorized state export control agency of the Republic of Kazakhstan;

declared purpose – the purpose for the use of imported products, indicated by the importer or end-user in the contract for importation of the products or in other documents;

importer (end-user) – a legal entity or natural person of the Republic of Kazakhstan who is a party to a contract for the purchase or sale (transfer, exchange, or other acquisition) of export-controlled products;

end-user’s import certificate – the obligation of the Republic of Kazakhstan, issued by the authorized government export control agency, that an export-control product will be used for the needs of the country and will not be re-exported to third countries without the permission of the authorized government agency of the country of the exporter (origin);
products – goods, technologies, work, services, and information subject to export control

end-user – a legal entity or natural person using imported products in the territory of the Republic of Kazakhstan;

certificate of confirmation of delivery – a document confirming delivery of freight in the territory of the Republic of Kazakhstan, prepared by the customs authorities of the Republic of Kazakhstan.

3. These Regulations shall apply to natural persons and legal entities, regardless of forms of ownership, engaged in the import and end-use of export controlled products in the territory of the Republic of Kazakhstan.

4. The export control regime established in the Republic of Kazakhstan shall apply to export-controlled products imported into the Republic of Kazakhstan in accordance with these Regulations. They cannot be re-exported to third countries except in accordance with the procedure stipulated for the export of export-controlled products, provided that the government agency of the exporting country gives its official consent for re-export.

II.[sic] The procedure for issuing an end-user’s certificate and processing a certificate of confirmation of delivery

5. The end-user’s import certificate shall be issued by the authorized government agencies of the Republic of Kazakhstan for export control (hereinafter referred to as the Authorized Agency).

6. The end-user’s important certificate shall be issued to the importer in the event that the legislation of the exporting country stipulates the provision of such a document.

7. The Authorized Agency shall issue the end-user’s import certificate after the applicant’s guaranteed obligation with the interested government agencies of the Republic of Kazakhstan, in regard to the following list of items has been cleared:
nuclear materials, equipment, installations, technologies, sources of ionizing radiation, special nonnuclear materials, dual-use products, equipment, and related technologies (controlled by the Group of Nuclear Suppliers)

- with the government agency in the area of use of atomic energy.

Armaments and military hardware, special systems elements for their production, labor, and services in the field of military-technical cooperation

- with government defense agencies.

services in the field of military-technical cooperation:

- with government defense agencies

and the defense industry [sic]:

missile technology, engines and their components, equipment, materials, and technologies used in developing missile technology (controlled by the MTCR):

- with the government aeronautical agency;

pathogens of humans, animals, and plants and their genetically modified forms, fragments of genetic material, equipment and technologies that can be used in designing bacteriological (biological) and toxin weapons (controlled by the Australian Group)

- with government public health and agricultural agencies

dual-use equipment and technologies that can be sued in developing chemical weapons (controlled by the Australian Group)
- with the government environmental protection agency

dual-use goods, equipment, and technologies (controlled by the Wassenaar Arrangement)

- with the Republic of Kazakhstan’s national security agency and, if necessary, with other interested government agencies;

Other types of weapons (not belonging to conventional weapons)

- with interested government agencies specified by the Authorized Agency.

8. Government agencies of the Republic of Kazakhstan shall clear the guaranteed obligation of the importer (end-user) within 10 days following receipt of the documents.

9. In order to obtain an end-user’s import certificate, the importer shall submit the following documents:

1) an application to obtain an end-user’s import certificate;

2) the guaranteed obligation of the importer (end-user) (annex 1), cleared with the interested government agencies of the Republic of Kazakhstan;

3) a copy of the contract with the exporter and/or the end-user and the original for their identification.

10. The end-user’s import certificate shall be issued for one transaction irrespective of the number and type of products included in the contract.

11. The decision to issue or refuse to issue the end-user’s import certificate shall be made by the Authorized Agency within 10 days after the date of receipt of the full set of documents.
12. The end-user’s import certificate shall be processed on stipulated forms (annex 2) in two copies. One copy shall be kept at the Authorized Agency, the second shall be issued to the importer for submission to the government agencies of the exporting country.

Copies of the issued end-user’s import certificate shall be sent by the Authorized Agency to the interested government agencies of the Republic of Kazakhstan.

Upon importation of products into the Republic of Kazakhstan, a list of their types shall be determined by the control lists of the exporting country. Upon exportation of products from the Republic of Kazakhstan, a list of their types shall be specified by the relevant lists approved by the Government of the Republic of Kazakhstan.

In the event that a governmental license is required for importation of products, the end-user’s import certificate shall be issued after the Republic of Kazakhstan has issued the appropriate license.

13. In the event that changes and/or additions are made in a contract after receipt of the end-user’s import certificate, the importer shall be obligated to promptly notify the Authorized Agency of this.

If contract provisions reflected in an end-user’s import certificate are changed, the certificate shall be annulled and/or be subject to reprocessing.

14. If the end-user’s import certificate has not been used (the transaction did not take place or the certificate was not submitted to the government agencies of the exporting country) within a six-month period, it shall be returned to the Authorized Agency for destruction.

15. In the event that an end-user’s import certificate has been lost or destroyed, the importer van obtain duplicate thereof after sending a letter explaining the circumstances of the loss or destruction of the certificate and confirming that if the original certificate is found, the importer shall be obligated to return it or a duplicate thereof to the Authorized Agency.
16. The certificate of confirmation of delivery (annex 3) shall be processed by the customs agencies of the Republic of Kazakhstan.

The certificate of confirmation of delivery is processed for products imported into the Republic of Kazakhstan in the event that the license for importation of the products indicates that an end-user’s import certificate has been issued. In addition, the license shall give the number and date of issuance of the end-user’s import certificate.

17. The customs agency shall send the certificate of confirmation of delivery to the Authorized Agency 10 days after actual delivery of the freight.

III. The Procedure for Transfer of Products Imported on the Basis of End-User’s Certificates to Other Persons

18. The transfers of products imported on the basis of end-user’s import certificates to other persons operating in the territory of the Republic of Kazakhstan shall be permitted, in compliance with the requirements of legislation and with the permission of the Authorized Agency.

19. In the event that it is necessary to transfer imported products to another person engaged in activities in the territory of the Republic of Kazakhstan, the end-user shall send a request for permission for this transfer to the Authorized Agency.

20. The request shall include:

1) the full name and a full description of the product, its code in the Foreign Economic Activity Commodity Classification, and on control lists;

2) the number of export-controlled products;

3) the name and address of the exporter who shipped the products to the Republic of Kazakhstan;
4) the number and date of the relevant end-user’s import certificate;

5) the name and address of the person to whom these products are intended to be sent;

6) the reasons why the transfer is necessary

21. the following shall be included with the request:

1) a document confirming the consent of the appropriate agency of the exporting country to the transfer of products;

2) a copy of the contract for transfer of the said products and the original for their identification

22. Upon reaching agreement with the interested government agencies of the Republic of Kazakhstan, the Authorized Agency shall, within 15 after the date of receipt of the request, decide whether to issue to refuse to issue a permit to transfer the products and shall inform the applicant of this.

Information on the decision shall be sent to the interested government agencies of the Republic of Kazakhstan.

23. In the event that a permit is issued for the transfer of products, the parties to the relevant contract shall notify the Authorized Agency of the transfer (receipt) of products within one week after the actual transfer (receipt) of the products.

IV. The Procedure for Organizing Verification of Importers (End-users)

24. In order to carry out governmental verification of the guaranteed obligation of the importer (end-user) by importers (end-users), the Authorized Agency, by agreement with the interested government agencies of the Republic of Kazakhstan and on the basis of an analysis of the list of the imported products and their end users, shall:
1) determine the object of the verification;

2) set a time frame for conducting verification;

3) establish a verification commission.

Information on the makeup of the verification commission and the verification timeframe may be sent to the management of the organization that is the end-user of the imported products.

25. The end-user shall be obligated to submit all required documentation to the commission and to provide assistance in its work.

26. The results of the verification shall be formalized by a document to be submitted to the interested government agencies of the Republic of Kazakhstan.

27. The exporting country’s verification of the use of products by an end-user shall be carried out in accordance with the procedure established by legislation, in compliance with requirements for protection of state secrets.

V. The responsibility of the importers and end-users for violating the importer’s (end-user’s) guaranteed obligations

23. The importer (end-user) shall be liable, in accordance with the legislation of the Republic of Kazakhstan, for non-fulfillment and/or improper fulfillment of guaranteed obligations.
Annex 1 to the Regulations for Formalizing Obligations with respect to the Use of Export-Controlled Products Brought into the Republic of Kazakhstan and Verifying Compliance with Those Regulations

GUARANTEED OBLIGATION OF THE IMPORTER (END-USER)

*2. The importer’s country

CERTIFICATE NO. 1

[Translator’s note: the numbering in the original text is erratic.]

The importer, his address and telephone number

3. The exporter, his address and telephone number

5. The end-user, his address, telephone number, and field of activity

7. The place of installation and/or use of the products

9. Name and full description of products

4. Country of exporter

6. Information on licenses obtained

8. End-use of products

10. Code of products

According to the Foreign Economic Activity Commodity Classification
currency of payment

11. Code of products according to control lists

12. Total value (in thousands) in
tenge
U.S. dollars

13. Reason for requesting certificate

14. Unit of measurement

15. Quantity

16. The importer (end-user) shall be obligated to import the products specified in Para. 9 into the Republic of Kazakhstan. The importer (end-user) shall be obligated to use the products specified in Para. 9 for the purposes specified in Para. 8 and not transfer them to another business entity in the territory of the Republic of Kazakhstan and not re-export them without the permission of the authorized government agency of the Republic of Kazakhstan for export control.

17. Agreement [sic]

18. The Authorized Agency of the Republic of Kazakhstan for export control

F.I.O.

Position

Signature, MP [?], Signature, MP [?], date
Annex 2 to the Regulations for Formalizing Obligations with respect to the Use of Export-Controlled Products Brought into the Republic of Kazakhstan and Verifying Compliance with Those Regulations

REPUBLIC OF KAZAKHSTAN END-USER’S IMPORT CERTIFICATE

Certificate No.

1. Importer, his address and telephone number

2. [sic] Country of importer

3. Country of exporter

4. Country of exporter

5. End-user, his address and telephone number

6. Name

7. Code of products and complete description of products according to the Foreign Economic Activity Commodity Classification

8. Code of products tenge [sic]

9. Total value (in thousands):

   (in thousands):

   currency of payment
on control lists:

U.S. dollars

10. Reason for requesting certificate

11. Unit of measurement

12. Quantity

13. This hereby confirm that the products specified in Par. 8 will be used solely for the needs of the country and will not be re-exported without the permission of the authorized government agency of the exporting country. (This document must be submitted to the authorized government agency of the exporting country within 6 months after the date of its signing.)

14. Agreement [sic]

15 The authorized government agency of the Republic of Kazakhstan

F.I.O.

Position, signature, MP [?], date
Annex 3 to the Regulations for Formalizing Obligations with respect to the Use of Export-Controlled Products Brought into the Republic of Kazakhstan and Verifying Compliance with Those Regulations

CERTIFICATE OF CONFIRMATION OF DELIVERY

2. Country of importer

4. Country of exporter

6. Freight customs declaration

CERTIFICATE

1. Importer, his address, and telephone number

3. Exporter, his address and telephone number

5. Import certificate of end-user from

11. Total value

(in thousands) and:

currency payment

tenge

7. Name and full description of products according to the Foreign Economic Activity Commodity List

9. Code of products

According to control lists

U.S. dollars
10. Unit of measurement

12. Quantity

13. This is confirmation that the products specified in Par. 7 were imported into the Republic of Kazakhstan

14. The Customs Committee of the Ministry of State Revenues of the Republic of Kazakhstan

F.I.O.

Position

Signature, MP [?], date