



Kazakhstan signed a law amending the Code on Administrative Offenses

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If you are interested in additional information, please contact us.

Briefly

On 2 July 2021, the President of the Republic of Kazakhstan signed the Law No.63-VII “On amendments and additions to the Code of the Republic of Kazakhstan on Administrative Offenses (“Administrative Code”)” (hereinafter – the “Law”). The new amendments are aimed at improving the legislation on administrative offenses and protecting the legitimate rights and interests of citizens, as well as business.

In details

In particular, the Law provides for the following main changes:

- The statute of limitations for bringing officials to administrative responsibility for illegal inspections increases from 2 months to 1 year. The previously established 2-month period was a big barrier, as in practice the process of appealing the results of inspections takes a long period. As a result, due to the expiration of the 2-month period, entrepreneurs could not appeal the results of illegal inspections. At the meeting of the Mazhilis dated 2 June 2021, Asset Chindaliyev, Deputy Prosecutor General, noted that in 2020 the prosecutor’s office revealed about 100 violations during inspections of state bodies, but only 17 officials were brought to administrative responsibility.
- Some amendments have affected relationships occurring under provision of personnel. In particular, the Administrative Code establishes the administrative responsibility of the receiving party for illegally exceeding the standard of working time in relation to an employee of the sending party. It should be noted that the concept of provision of personnel was introduced into the Kazakh legislation at the end of 2020, and the Administrative Code did not provide for the responsibility of the receiving party in relation to an employee of the sending party.
- A new Article 664-1 is introduced into the Administrative Code, which establishes administrative liability for non-compliance with the prosecutor’s order. In practice there are often cases when authorities impose illegally prohibitive / restrictive measures on business activities. According to the latest amendments, the prosecutor issues an order on the cancellation of prohibitive / restrictive measures imposed as a result of illegal actions of authorities. Thus, untimely removal of restrictions will entail administrative responsibility for authorities.

Are you interested in this topic?

We would be pleased to discuss with you the above amendments and how they can impact your business, as well as analyze and implement possible steps to ensure compliance with the new requirements and to provide other legal support.

If you are interested in additional information, please contact PwC specialists working as part of a group serving your company, or to any of the persons listed.

