

## **On the Government of the Republic of Kazakhstan**

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated December 18, 1995 N 2688.

Unofficial translation

**Footnote. The title and the text as amended by the Constitutional Law of the Republic dated May 6, 1999 N 379.**

This Constitutional Law, in accordance with the Constitution of the Republic of Kazakhstan determines the competence, organization and activities of the Government of the Republic of Kazakhstan.

### **Chapter I. General Provisions**

#### **Article 1. Status of the Government of the Republic of Kazakhstan**

The Government is a collegial body that exercises executive authority of the Republic of Kazakhstan headed by the executive system and supervises their activities.

**Footnote. Article 1, as amended by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267**

#### **Article 2. The legal framework of the Government of the Republic of Kazakhstan**

The government shall operate on the basis of and pursuant to the Constitution, this Constitutional Law, legislation and other normative legal acts of the Republic.

#### **Article 3. Formation, structure and composition of the Government of the Republic of Kazakhstan**

1. The government is formed by the President of the Republic in accordance with the Constitution of the Republic of Kazakhstan.

2. Proposals for the structure and composition of Government must be submitted to the President of the Republic by the Prime Minister of the Republic within ten days after the appointment of the Prime Minister.

3. The structure of the Government shall be formed by ministries.

4. The government shall consist of members of the Government: the Prime Minister of the Republic, his deputies, ministers and other officials of the Republic.

**Footnote. Article 3 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; as amended by Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).**

#### **Article 3-1. Oath of members of the Government of the Republic of Kazakhstan**

1. A member of the Government of the Republic of Kazakhstan takes the following oath before the people and the President of Kazakhstan:

"Before the people and the President of the Republic of Kazakhstan I solemnly swear to devote all my strength and knowledge to the economic and spiritual development of my Homeland - the Republic of Kazakhstan, to strictly observe the Constitution and the laws of the state, in all my actions to follow the principles of legality and justice, civil, interethnic and interfaith harmony, faithfully serve the people of Kazakhstan, strengthen the statehood and authority of my country in the world community. I swear".

2. Oath of the member of the Government is taken by the President of the Republic in the manner determined by him.

**Footnote. Article 3-1 is supplemented by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; as amended by Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).**

#### **Article 4. Term of Office of the Government of the Republic**

1. The Government of the Republic shall act within the term of office of the Mazhilis of the Parliament and resign before the newly elected Mazhilis of the Parliament of the Republic

2. The resignation of the powers of the Government shall mean the termination of the powers of its members.

3. The Government of the Republic shall perform its duties until the new composition of the Government of the Republic is approved.

4. The Government shall also resign its powers in cases of resignation and termination of the powers of the Government, provided for in Articles 5 and 6 of this Constitutional Law.

**Footnote. Article 4 as amended by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).**

#### **Article 5. Resignation of the Government of the Republic**

1. The Government and each of its members have the right to submit resignation to the President of the Republic, if they deem it impossible to continue to fulfil their duties. Those members of the Government who disagree with the Government policies and refuse to conduct it may also resign.

2. The Government submits a letter of resignation to the President of the Republic if the Mazhilis or the Parliament declares vote of no confidence in the Government in cases provided in the Constitution. The President of the Republic must consider the question of accepting or declining the resignation within ten days following the resignation.

3. Acceptance of resignation means termination of the authority of the Government or of its respective member. Acceptance of the resignation of the Prime Minister means termination of the authority of the whole Government.

4. In case of declining the resignation of the Government or of its member the President charges them with further performance of duties.

**Footnote.** Article 5 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267.

#### **Article 6. Termination of authority of the Government of the Republic on the initiative of the President of the Republic**

1. The President of the Republic has the right to terminate the powers of the Government and dismiss any of its members on his own initiative.

2. Dismissal of the Prime Minister means termination of the authority of the Government.

2-1. The members of the Government who disagree with the Government's policy or refuse to pursue it are subject to dismissal.

**Footnote.** Article 6 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379.

#### **Article 7.**

**Footnote.** Article 7 is excluded by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267.

#### **Article 8. Restrictions imposed on members of the Government**

Members of the Government of the Republic have no right:

- 1) to be deputies of a representative body;
- 2) to have other paid jobs, except teaching, scientific or other creative activities;
- 3) to engage in business activity;
- 4) to be a member of the management or supervisory board of a commercial organization, except those with state participation in authorized capital upon the Government' decision.

**Footnote.** Sub-item 4, as amended by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267.

### **Chapter II. Competence, acts, accountability and responsibility of the Government of the Republic**

#### **Article 9. Competence of the Government of the Republic**

The government of the Republic shall:

1) develop the main directions of the socio-economic policy of the state, its defence capability, and security, ensuring public order and organize their implementation;

2) excluded by the Constitutional Law of the Republic of Kazakhstan dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication);

3) approve the forecast of socio-economic development;

4) develop measures for the implementation of the foreign policy of the Republic;

5) submit to the Parliament the republican budget and a report on its execution, ensure the execution of the budget;

5-1) form the Republican Budget Commission, approve the regulation on it, and determine its composition;

5-2) in agreement with the President of the Republic of Kazakhstan determine the system of state planning;

5-3) determine the procedure for compiling and submitting an annual report on the execution of the republican budget;

6) develop and implement measures to strengthen the financial system of the Republic; provide state control over compliance with the law in the formation and use of state currency, financial and material resources;

7) excluded by the Constitutional Law of the Republic of Kazakhstan dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication);

8) develop the state pricing policy; establish the range of products, goods and services for which state-regulated prices are applied;

9) organize the management of state property, develop and implement measures for its use, and ensure the protection of the right of state property;

10) form the system and conditions of remuneration, social security of citizens, state social security and social insurance;

10-1) in agreement with the President of the Republic, approve a unified system of financing and remuneration of employees for all bodies supported by the state budget;

11) develop the main directions of the state regional policy; provide a solution to interregional problems and issues of socio-economic development of the regions;

12) form the state policy on the development of science and technology, introduction of new technologies;

13) develop and implement measures to ensure the rational use and protection of natural resources and the natural environment;

14) ensure the implementation of the legal policy; develop and implement measures to protect and defend the rights and freedoms of citizens, ensure law and order, security and defence of the Republic, territorial integrity and protection of the state borders of the Republic;

15) make decisions on holding negotiations and signing intergovernmental agreements; ensure the development of relations between the Republic and foreign states, international and regional organizations; develop measures for the implementation of foreign economic policy; take measures to develop foreign trade; carry out cooperation and interaction with international financial organizations;

16) perform other functions assigned to it by the Constitution, laws and acts of the President.

Footnote. Article 9 as amended by the Constitutional Law of the Republic of Kazakhstan dated 29.09.2014 No. 238 (shall come into effect ten calendar days after the day of its first official publication); as amended by the Constitutional Laws of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication); dated 03.07.2017 No. 85-VI (shall come into effect ten calendar days after the day of its first official publication); dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 10. Acts of the Government of the Republic**

1. The Government of the Republic on the basis of and pursuant to the Constitution of the Republic, laws, and acts of the President and other legal acts issues regulatory and individual resolutions.

If draft laws are submitted to the Parliament to promptly respond to conditions that pose a threat to the life and health of the population, the constitutional order, the protection of public order, and the economic security of the country, the Government of the Republic shall have the right to adopt, under its responsibility, temporary decrees of the Government that have the force of law, which are valid until the entry into force of by laws passed by Parliament or until no laws are passed by Parliament.

2. Government's resolutions are adopted by a majority vote of all members of the Government. Government resolutions are signed by the Prime Minister of the Republic.

Temporary resolutions of the Government, having the force of law, are adopted by two-thirds of the votes of the total number of members of the Government.

3. Prime Minister of the Republic issues orders of administrative, executive, operational and individual character.

4. Temporary resolutions of the Government having the force of law, resolutions of the Government and orders of the Prime Minister of the Republic, adopted within their competence, shall be binding throughout the territory of the Republic.

5. Government's resolutions and Prime Minister's orders are drafted and adopted in the manner determined by the regulations of the Government of the Republic.

5-1. Temporary resolutions of the Government, having the force of law, shall be developed and adopted in the manner determined by the Law of the Republic of Kazakhstan " On legal acts", as well as acts of the Government of the Republic.

6. Decisions of the Government may be revoked by the Government of the Republic.

7. Orders of the Prime Minister may be revoked by the Government and the Prime Minister of the Republic.

Footnote. Article 10 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267; dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication); dated 05.11.2022 No. 156-VII (shall come into effect from 01.01.2023).

#### **Article 11. Accountability and responsibility of the Government of the Republic**

1. The Government in its activities shall be responsible to the President of the Republic and the Parliament in the forms established by the Constitution and this Constitutional Law.

2. Members of the Government shall be independent in decision-making within their competence, bear personal responsibility before the Prime Minister of the Republic for activity of state authorities subordinate to them or for the areas of work they are charged with.

3. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).

4. Members of the Government are accountable to the Parliament Chambers in a case provided by sub-item 6) of Article 57 of the Constitution of the Republic.

Footnote. Article 11 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267; dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).

### **Chapter III. Relations between the Government of the Republic and State Authorities**

#### **Article 12. Relations with the President of the Republic**

1. Government of the Republic shall:

1) regularly inform the President about the implementation of the instructions of the President and other areas of its activities;

2) organize the execution of acts of the President of the Republic and exercises control over their execution by ministries and local executive bodies.

2. The Government shall coordinate with the President of the Republic the plans for legislative work of the Government.

3. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 12 as amended by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the day of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 13. Relations with the Parliament of the Republic**

1. The Government of the Republic has the power of legislative initiative which is realized only in the Mazhilis of Parliament. Decision on submittal of draft legislation is taken by issuing of the relevant resolution of the Government.

2. The Government of the Republic

1) ensure the implementation of the laws of the Republic, and control their implementation by ministries and local executive bodies;

2) presents the republican budget and the report on its execution to the Parliament;

3) makes expert reports on drafts laws of the Republic providing reduction of state revenues or increase in the public expenditures;

4) gives answers to inquiries of members of the Parliament.

**Footnote. Article 13 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).**

#### **Article 14. Relations with ministries**

The government of the Republic shall:

1) manage the activities of the ministries, and ensure their implementation of laws and acts of the President and the Government of the Republic;

2) on the proposal of the ministers, approve the regulations on the ministries, and the limits of their staffing, taking into account the number of their territorial bodies and state institutions subordinate to them;

3) cancel or suspend, in whole or in part, the acts of the ministries;

4) on the proposal of ministers, appoint and dismiss their deputies, except for deputy ministers of foreign affairs, defence, and internal affairs;

5) perform other functions assigned to it by the Constitution, laws and acts of the President of the Republic of Kazakhstan.

**Footnote. Article 14 as amended by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).**

#### **Article 15.**

**Footnote. Article 15 is excluded by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267.**

#### **Article 16. Relationships with local authorities**

1. The Government of the Republic:

1) supervises local agencies with regards to issues of public management, controls implementation of laws and acts of the President and the Government of the Republic;

2) may cancel or suspend completely or in part the effect of acts of local executive bodies, makes request about their cancellation or suspension to the President of the Republic.

2. Akims of administrative units heading the relevant local authorities are representatives of the President and the Government of the Republic. They submit proposals on issues of public management to the Government of the Republic

#### **Article 17. Relations of the Government of the Republic with other state agencies, financed from the national budget**

The Government of the Republic in accordance with legislation considers financial and material and technical issues of other public bodies, including those, funded from the national budget.

## **Chapter IV. Organization of activity of the Government of the Republic**

### **Article 18. Meetings of the Government of the Republic**

1. Meetings of the Government are held at least once a month.
2. Meetings of the Government are convened by the Prime Minister or President of the Republic.
3. The meetings of the Government shall be chaired by the Prime Minister, and in his absence - by the Deputy Prime Minister, replacing the Prime Minister in accordance with the distribution of duties. When the Government considers particularly important issues, its meetings shall be chaired, if necessary, by the President of the Republic.
4. Meetings of the Government are considered competent if attended by at least two thirds of the members of the Government. Members of the Government cannot be substituted.
5. Government meetings are open. On the initiative of the President or Prime Minister the meetings can be closed.
6. The procedure of preparation and holding of meetings of the Government are provided in the Regulations of the Government.

**Footnote. Article 18 as amended by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).**

### **Article 19. Prime Minister of the Republic**

1. Prime Minister of the Republic shall:
  - 1) organize the work of the Government and distribute functional duties among the members of the Government;
  - 2) represent the Government or entrust the representation of the Government in relations with the President of the Republic, the Parliament, the Constitutional Court, the Supreme Court, the Prosecutor General's Office and other state bodies;
  - 3) represent the Government or entrust the representation of the Government in international relations and sign intergovernmental treaties and agreements;
  - 4) make submissions to the President of the Republic: on the structure and composition of the Government; after consultations with the Mazhilis of the Parliament on candidates for appointment to the positions of members of the Government, except for the ministers of foreign affairs, defence, internal affairs; on the dismissal of a member of the Government, including those who do not agree with the policy pursued by the Government or do not pursue it, except for the ministers of foreign affairs, defence, and internal affairs;
  - 5) coordinate with the President of the Republic a unified system of financing and remuneration of employees for all bodies supported by the state budget;
  - 6) report to the President and Parliament on the main activities of the Government and all its major decisions;
  - 7) hear reports from members of the Government and heads of local executive bodies;



8) form and abolish consultative and advisory bodies under the Government;  
9) perform other functions related to the organization and management of the activities of the Government.

2. In the absence of the Prime Minister one of the Deputy Prime Ministers in accordance with the Prime Minister's regulations assumes his duties.

**Footnote. Article 19 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; dated November 24, 2004 N 604 (shall be enforced on January 1, 2005), Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267; dated 29.09.2014 No. 238 (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication); dated 05.11.2022 No. 156-VII (shall come into effect from 01.01.2023).**

## **Article 20. The Deputy Prime Ministers and other members of the Government of the Republic**

1. The Deputy Prime Ministers acts in accordance with the distribution of duties established by the Prime Minister of the Republic.

2. Members of the Government

1) supervise the relevant government authorities;

2) determines policies in branches (fields) of government, subordinate to the relevant government authorities;

3) ensures inter-branch coordination within the competence prescribed by law;

4) is independent in decision-making within their competence;

5) bears personal responsibility before the Prime Minister for the work of bodies subordinate to them;

6) is responsible for the situation in the branches (fields) of government, subordinate to the relevant government authorities, and for implementation of laws and acts of the President and the Government of the Republic of Kazakhstan.

3. Members of the Government who are not heads of ministries and other central executive bodies carry out their activities in accordance with the provisions stipulated by the Government of the Republic of Kazakhstan.

**Footnote. Article 20 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; article, as amended by the Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267.**

## **Article 21.**

**(Article 21 is excluded by the Constitutional Law of the Republic dated May 6, 1999 N 379)**

### **Article 21-1. Executive secretary of the Central Executive Body**

Footnote. Article 21-1 shall be excluded by the Constitutional Law of the Republic of Kazakhstan dated December 30, 2020 No. 392-VI (shall be enforced ten calendar days after the day of its first official publication).

## **Article 22. The Ministry of the Republic**

1. The Ministry is the central executive body of the Republic, supervising the respective branch (field) of the public administration, as well as inter-branch coordination within the competence prescribed by law.

The Ministry carries out strategic, regulatory, implementation and supervisory functions within its competence.

The Ministry shall form the state policy in relevant sectors in accordance with the current legislation of the Republic of Kazakhstan.

2. The Ministry is formed, reorganized and abolished by the President of the Republic on the proposal of the Prime Minister of the Republic.

2-1. The Ministry is authorized to make decisions within its competence on matters which are not in competence the Government of the Republic.

2-2. The structural subdivisions of the ministry are offices, departments and administrations.

For law enforcement agencies that are part of the Government, taking into account a special type of public service, the creation of services shall be allowed.

The structure of the ministry and regulations on its structural subdivisions shall be approved by the minister.

The set of services, departments and offices of the ministry is its apparatus.

3. The Collegiate panel of the Ministry is an advisory body to the Minister. Size and membership of the board is approved by the Minister from among the heads of departments of the Ministry.

4. Decisions made by the Ministry are issued by the Minister's orders.

Footnote. Article 22 as amended by Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267; dated December 30, 2020 No. 392-VI (shall be enforced ten calendar days after the day of its first official publication); dated 05.11.2022 No. 156-VII (shall come into effect from 01.01.2023); dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 23. The central executive body, which is not a part of the Government**

Footnote. Article 23 is excluded by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 No. 75-VI (shall come into effect from the date of its first official publication).

## **Article 24. Office of the central executive body**

1. The agency is a committee of the central executive body of the Republic.

The department may have its territorial divisions.

2. The department is formed, reorganized and abolished by the Government of the Republic on the proposal of the head of the relevant central executive body.

3. The head of the department shall be appointed to the post and dismissed from the post by the head of the relevant central executive body.

4. The department, within the competence of the central executive body of the Republic, may carry out regulatory, implementation and control and supervisory functions, as well as participate in the performance of the strategic functions of the central executive body within the competence of the department.

5. The form of the act issued by the department is the order of the head of the department. Cancellation or suspension in full or in part of the acts of the department shall be carried out by the head of the central executive body, in the structure of which the department is included.

6. The structure of the department shall be approved by the head of the relevant central executive body. The competence and procedure for the interaction of the department with other state bodies shall be determined by the head of the central executive body, in the structure in which the given department is included.

**Footnote. Article 24 as amended by the Constitutional Law of the Republic of Kazakhstan dated 19.06.2007 No. 267; as amended by the Constitutional Laws of the Republic of Kazakhstan dated 29.09.2014 No. 238 (shall come into effect ten calendar days after the day of its first official publication); dated 30.12.2020 No. 392-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).**

#### **Article 25. Informational, Analytical, Organizational and legal support of the activity of the Prime Minister and the Government of the Republic**

1. Information-analytical and organizational-legal support for the activities of the Prime Minister and the Government of the Republic shall be provided by the Office of the Government of the Republic.

2. The procedure of formation, reorganization and abolition of the Office of the Government of the Republic, the legal status, the procedure of appointment and dismissal of the chief and other civil servants of the Office of the Government of the Republic are determined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 25 as amended by the Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 379; as amended by the Constitutional Law of the Republic of Kazakhstan dated 19.04.2023 No. 222-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 26. Advisory and consultative bodies of the Government of the Republic**

1. Commissions, councils and other consultative and advisory bodies to the Government of the Republic are set up to make proposals on matters within the competence of the Government.

2. Advisory and consultative bodies are headed by the Prime Minister, his deputies and members of the Government.

3. Decisions of consultative and advisory bodies of the Government have the status of recommendations.

**Article 27. The order of entry into force of this Constitutional Law**

This Constitutional Law shall be enforced on the date of its publication.

*President of  
the Republic of Kazakhstan*

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