

## 1: UPDATE: Laws of the Republic of Kazakhstan: A Guide to Web Based Resources - GlobalLex

*The civil legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan and consist of this Code, other laws of the Republic of Kazakhstan adopted in accordance with it, the decrees of the President of the Republic of Kazakhstan having the force of laws, edicts of the Parliament, and edicts of the.*

In two languages Fullscreen mode Print Unofficial translation Footnote. See the Law of the Republic of Kazakhstan dated General Provisions Chapter 1. Civil procedure legislation of the Republic of Kazakhstan Article 1. Relations regulated by the civil procedure legislation Civil procedure legislation of the Republic of Kazakhstan regulates public relations arising in the process of administration of justice by courts in the course of consideration and adjudication of claims and other cases assigned to their competence by this Code and other laws. Legislation on civil proceedings of the Republic of Kazakhstan 1. The order of legal proceedings on civil cases in the Republic of Kazakhstan is determined by Constitutional Laws, Civil Procedure Code of the Republic of Kazakhstan based on the Constitution of the Republic of Kazakhstan and generally recognized principles and norms of International Law. Provisions of other laws regulating civil proceedings shall be included in this Code. International contractual and other obligations of the Republic of Kazakhstan, as well as regulatory resolutions of the Constitutional Council and the Supreme Court of the Republic of Kazakhstan are integral part of the civil procedure law. Legislation on civil proceedings establishes the order of legal proceedings on disputes arising from civil, marital, employment, housing, administrative, financial, economic, land relationships, relations on use of natural resources and environmental protection and other legal relations, as well as special proceeding cases. If in the course of civil proceedings the necessity to consider an issue subject to resolving under the administrative law arises, it shall be resolved in the civil proceeding in accordance with provisions of the Article 26 of this Code. Application of prevailing legal rules in civil proceedings 1. The Constitution of the Republic of Kazakhstan shall have the supreme legal force and direct effect over the entire territory of the Republic. In case of conflict between provisions of this Code and the Constitution of the Republic of Kazakhstan, the provisions of the Constitution shall prevail. In case of conflict between provisions of this Code and the constitutional law of the Republic of Kazakhstan, provisions of the constitutional law shall prevail. In case of conflict between provisions of this Code and other laws, the provisions of this Code shall prevail. International treaties ratified by the Republic of Kazakhstan shall prevail over this Code and shall be applied directly, except to the extent that an international treaty requires an enactment. Operation of the civil procedure legislation in time 1. Civil proceedings are conducted in accordance with the civil procedure law effective at the moment of implementing procedural action and making procedural decisions. Civil procedure law imposing new duties, abolishing or diminishing rights belonging to the process participants, abridging use of the rights based on additional terms and conditions shall not have retroactive effect. Admissibility of evidences shall be determined in accordance with the law in effect at the time of their obtaining. Objectives and principles of civil proceedings Article 5. Objectives of civil proceedings Objectives of civil proceedings are a protection of violated or disputed rights, liberties and legally protected interests of citizens, the state and organizations, a strengthening of the rule of law and a prevention of offenses. The court in resolving cases in the course of civil proceedings must strictly observe requirements of the Constitution of the Republic of Kazakhstan, the present Code and other regulatory legal acts. The courts shall not be entitled to apply laws and other regulatory legal acts infringing on human and civil rights and liberties enshrined in the Constitution. If the court finds that a law or other regulatory legal act subject to application infringes on human and civil rights and liberties enshrined in the Constitution, the court shall suspend the legal proceedings on the case and apply to the Constitutional Council of the Republic of Kazakhstan with a submission to acknowledge this act as unconstitutional. Upon receiving a final resolution of the Constitutional Council the proceedings on the case shall be revived. Violation of law by the court in the course of case adjudication shall be unacceptable and shall result in cancellation of illegal judicial acts. A judge guilty of the violation of law shall bear full responsibility stipulated by the law. Should the court in the course of the case adjudication establish noncompliance of an act issued by a state agency or another agency

with a law, or that the act was issued with the excess of powers, the court shall apply the prevailing legal acts. In the event of lack of legislation regulating legal relations in dispute, the court shall apply rules of law regulating similar relations; in case of lack of such rules of law the court shall settle the dispute based on common principles and meaning of the law. If legislation acts or an agreement of parties to a dispute stipulate resolution of relevant issues by the court, the court must settle these issues based on requirement of equity and reasonableness. Article 6 as amended by the Law of the Republic of Kazakhstan dated Exclusiveness of administration of justice by the court 1. Justice on civil cases shall be administered only by court and under the rules, established by the civil procedure legislation. Appropriation of the court powers by whosoever shall be punishable as provided by the law. Resolutions of emergency courts or other illegally constituted courts have no legal force and are not subject to enforcement. Decision of a court which conducted the civil proceeding on a case being out of its jurisdiction and exceeded its authority or otherwise substantially violated principles stipulated by this Code shall be illegal and subject to cancellation. Decisions of a court on a civil case may be audited and revised only by relevant courts in the order defined by this Code. Judicial remedy of rights, liberties and legitimate interests of a person 1. Everyone is entitled, in the order prescribed by this Code, to apply to the court for defense of violated or disputed constitutional rights, liberties or legitimate interests protected by the law. State agencies, legal entities or citizens have the right to apply to the court for defense of rights and legally protected interests of other persons or unspecified persons in cases provided by the law. A prosecutor is entitled to apply to a court with a suit a petition for the purposes of fulfillment of the entrusted duties and for defense of rights of citizens, legal entities, public and state interests. Jurisdiction stipulated by the law for a person may not be changed without consent of that person. A court of superior jurisdiction may not withdraw a case from proceedings of a lower court and take over it without consent of the parties. In the course of civil case proceeding, decisions and actions humiliating honor or diminishing dignity of a person involved in the civil process shall be prohibited. Moral damage caused to a person in the course of civil proceedings by unlawful actions of state agencies and officials shall be compensated in accordance with procedures established by the law. Secrecy of correspondence, telephone conversations, postal, telegraph and other messages Private life of citizens, personal and family secrets are protected by the law. Everyone has a right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages. Limitations of these rights in the course of civil process shall be admitted only in cases and pursuant to procedures directly established by the law. Inviolability of property 1. Property is guaranteed by the law. Seizure of bank deposits and other property of persons as well as the property withdrawal in the course of the civil proceedings may be implemented in cases and pursuant to procedures stipulated by this Code. Independence of judges 1. A judge in the course of administering justice shall be independent and shall be subject only to the Constitution of the Republic of Kazakhstan and the law. Judges and courts settle civil cases in such conditions that shall exclude any outside influence on them. Judges shall not be accountable on specific cases. Guarantees of independence of a judge are established by the Constitution of the Republic of Kazakhstan and the law. Equality before the law and the court 1. Justice in civil cases shall be administrated based on equality before the law and the courts. In the course of civil proceedings none of: Conditions of civil proceedings with regard to persons with civil immunity shall be determined by the Constitution of the Republic of Kazakhstan, by the present Code, by the laws and international treaties ratified by the Republic of Kazakhstan. Language of the proceedings 1. Legal proceedings on civil cases shall be implemented in the official language; Russian and other languages may be applied in legal proceedings on an equal basis with the official language, if necessary. Language of legal proceedings shall be established by a decision of the court depending on the language of a lawsuit a petition. Proceedings on any one civil case shall be implemented in the initially established language of the proceeding of that case. To persons participating in the case with no knowledge or poor knowledge of the language of the proceedings, it will be explained that they have the right to, and the right shall be provided to make statements, to give explanations and testimony, to present petitions, to lodge an appeal, to get acquainted with the case materials and to speak in the court in their native language or in any other language they speak and to use services of an interpreter free of charge pursuant to the procedures established by this Code. Persons

participating in civil proceedings shall be provided by the court with free translation to the language of the proceedings of the materials in another language that they require by operation of law. Persons participating in civil proceedings shall be provided with free translation into the language of the legal proceedings of the part of the trial pleadings which is performed in another language. Court documents shall be handed to persons participating in a case as translated into their native language or another language they speak. Competitiveness and equality of the parties 1. Civil proceedings shall be implemented on the basis of competitiveness and equality of the parties. The parties shall have equal procedural rights and shall bear equal procedural duties. In the course of civil proceedings the parties choose their position and the ways and means of maintaining their case on their own and independently from the court or other bodies and entities. The court shall be fully absolved of collecting evidences on its own initiative for the purposes of substantiation of the facts on the case; however, on a reasoned request of any party the court shall provide assistance in obtaining necessary materials pursuant to the procedures established by this Code. The court shall base its procedural decision only on those evidences which each Party had equal access to participate in examination of. The court shall demonstrate equal and respectful attitude towards the parties. Evaluation of evidence by inner conviction 1. No evidence has a predetermined significance for the court. Exemption from duty to testify 1. Members of the clergy are not obliged to testify against persons who confessed to them. In the cases stipulated by the first and the second paragraphs of this Article the aforementioned persons shall have the right to refuse to testify and cannot be subjected to any responsibility for that. Securing rights for qualified legal assistance 1. Everyone is entitled to receive qualified legal assistance in the course of civil proceeding in accordance with provisions of this Code. Legal assistance may be provided free of charge in the cases stipulated by the law. Transparency of legal proceeding 1. Case proceedings in all courts and all judicial authorities shall be conducted openly. Personal correspondence and private telegraph messages of citizens may be read in open court only with consent of persons involved in these conversations and telegraph messages. Otherwise, personal correspondence and private telegraph messages of these individuals shall be read and examined in a closed judicial session. The aforementioned rules shall be applied also in the course of examination of photo- and film documents, audiotapes and videotapes as well as messages received through other technical devices containing private information. If the trial is conducted in a closed judicial session, it will be attended by persons participating in the case and their representatives, as well as witnesses, experts, specialists and interpreters, if necessary. A decision to conduct a trial in a closed judicial session shall be made by court by way of a reasoned ruling. Citizens under sixteen years old shall not be admitted to a courtroom unless they are persons participating in the case or witnesses. A trial in a closed judicial session shall be conducted in accordance with all rules of the civil procedure. Persons participating in the case and citizens in presence in open court proceedings have the right to document the trial process either in writing or with use of audio recording from their seat in a courtroom. Any camera and photo camera recording, video recording, direct radio and TV broadcasting in the course of a trial shall be permitted upon approval of the court with taking into account opinions of persons participating in the case. These actions should not interfere with a regular process of the trial and may be time-limited by the court. Ensuring security at trial A trial shall take place under conditions ensuring regular operation of the court and safety of the process participants. For the purposes of ensuring safety of a judge and citizens in presence in a courtroom, a chairperson may order to inspect persons willing to attend the trial including verification of their identity documents, personal inspection and inspection of things they bring to the courtroom.

**2: Civil Code of the Republic of Kazakhstan - "Adilet" ILS**

*The civil legislation of the Republic of Kazakhstan shall consist of the present Code, laws of the Republic of Kazakhstan adopted in accordance with it, other laws of the Republic of Kazakhstan, edicts of the President of the Republic of Kazakhstan having the force of laws, decrees of the Parliament, and decrees of the Senate and Majilis.*

State Order in the Republic of Kazakhstan Article 3 of the Constitution states that the state power in the Republic of Kazakhstan is unified and executed on the basis of the Constitution and laws; this is done in accordance with the principle of its division into the legislative, executive, and judicial branches, and a system of checks and balances that governs their interaction. The Presidency The President of the Republic of Kazakhstan is the head of state and the highest official in the state. The role of the president includes determining the main directions of the domestic and foreign policy of the state and representing Kazakhstan within the country and in international relations. According to Article 40 of the Constitution, he shall ensure by his arbitration the concerted functioning of all branches of state power, as well as the responsibility of the institutions of power before the people. The President is elected every 5 years on the basis of universal suffrage. One person may not be elected President of the Republic more than two times in a row. However, according to Article 42 of the Constitution, this restriction does not apply to the First President, Nursultan Nazarbayev. In April of , he became the President of the Republic of Kazakhstan. On December 1, , the first general elections for the Presidency were held, in which Nazarbayev was reelected as head of the state. A nation-wide referendum of April 29, confirmed this decision. This referendum also extended the powers of the President until the year On January 10, , Nazarbayev was elected again as President of Kazakhstan, supported by On December 4, , nation-wide elections for the Presidency of the republic were held again, where Nazarbayev won the support of Parliament The highest representative body of the Republic of Kazakhstan is the bicameral Parliament. It consists of the Senate and the Majilis, in accordance with Article 50 of the Constitution. The first two-chamber Parliament was elected in December The Senate is composed of deputies elected in twos from each region and major city, as well as the capital of the Republic of Kazakhstan. Elections are conducted at a joint session of the deputies of all representative bodies of the respective oblast or major city and the capital of the Republic. The President also appoints fifteen senators. The term of office for Senate deputies is six years. The Majilis consists of deputies, 98 of whom are directly elected by voters from the geographical electoral districts. The term of office for the Majilis deputies is five years. The duties of Parliament in joint sessions of the Chambers include: With adoption in , the new Constitution the present Parliament replaced one-chamber body of the representative power - the Supreme Soviet. The first elections to the Senate and Mazhilis of the Parliament were held in December Total 47 deputies were elected to the Senate and 67 deputies were elected to the Majilis. In autumn in accordance with introduced constitutional amendments, the elections on mixed scheme to the Mazhilis of the Parliament of the Republic were held. The scheme afforded the possibility for political parties to be elected to the Parliament as to party lists on the basis of proportional representation. A new structure of the chambers of Parliament was formed in August according to constitutional changes and amendments of May The President additionally appointed 8 members to the Senate of Parliament on August 28, , in view of the above-stated changes and amendments that increased the number of Presidential nominees up to 15 people. According to the amendments to Constitution Mazhilis consists of members. The Government The Government implements the executive power of the Republic of Kazakhstan, preside over the system of executive bodies, and supervise their activity. The Government, in all of its activity is responsible to the President of the Republic and also accountable to the Senate and Majilis of Parliament, as stipulated by Constitution. The prime minister and first deputy prime minister are appointed by the president. Council of Ministers is also appointed by the president. According to the Constitution President could appoint and dismiss the government, appoint administrative heads of regions and cities. The website of the Government of the Republic of Kazakhstan contains some laws and decrees in Kazakh, Russian and English. Constitutional Council Part six of the Constitution contains fundamental regulations, which establish constitutional control in the Republic. This control is designated to the

Constitutional Council , a body separate from the juridical system. The Constitutional Council is a state structure charged with ensuring the supremacy of the Constitution of the Republic as the basic law for the whole territory of Kazakhstan. The Constitutional Council consists of seven members; the Chairman and two members are appointed by the President of the Republic, and the Chairmen of the Senate and Majilis each appoint two members for six-year terms. Half of the members of the Constitutional Council shall be renewed every three years. Article 72 of the Constitution sets forth the following main functions of the Constitutional Council: Its website contains the decisions of the Constitutional Council, the acting laws, articles and other information Kazakh, Russian, English. Judicial Authority Justice in the Republic of Kazakhstan may only be exercised by the court. Judicial power shall be exercised through constitutional, civil, administrative, criminal, and other forms of judicial procedure as established by law. In certain cases, stipulated by law, criminal procedure shall be carried out with the participation of jurors. The courts of the Republic include the Supreme Court of the Republic and local courts of the Republic which are established by law. The judicial system of the Republic is established by Article 75 of the Constitution of the Republic of Kazakhstan and the constitutional law. The establishment of special and extraordinary courts under any name is not allowed. The Supreme Court of the Republic of Kazakhstan is the highest judicial body for civil, criminal, and other cases, which are under the courts of general jurisdiction. This court also exercises supervision over the activities of other courts in the form of juridical procedure stipulated by law and provides interpretation on the issues of judicial practice. Article 77 3 of the Constitution sets forth the following principles that judge must abide when dealing with the case at hand: If after the commitment of an offense accountability for it is canceled by law or reduced, the new law shall be applied; 6. The clergy shall not be obligated to testify against those who confided in them with some information at a confession; 8. No person may be sentenced on the basis of his own admission of guilt; The Chairpersons of oblast and equivalent courts, the Chairpersons of the Collegiums and judges of the oblast and equivalent courts shall be appointed by the President of the Republic at the recommendation of the Highest Judicial Court of the Republic. The Chairperson and judges of other courts of the Republic shall be appointed by the President of the Republic at the proposal of the Minister of Justice based on a recommendation of the Qualification Collegium of Justice. The Highest Judicial Council is headed by the Chairperson who is appointed by the President of the Republic and consists of the Chairperson of the Constitutional Council, the Chairperson of the Supreme Court, the Procurator General, the Minister of Justice, deputies of the Senate, judges and other persons appointed by the President of the Republic. The Qualification Collegium of Justice is an autonomous, independent institution formed from deputies of the Majilis, judges, public prosecutors, teachers and scholars of law and workers of the bodies of justice. The website of the Supreme Court contains useful information in English. The Constitution, codes, laws, secondary legislation, and decisions of the Supreme Court are available in Kazakh and Russian. Local Public Administration and Self-Administration Local public administration is exercised by local representative and executive bodies, which are responsible for the state of affairs of the respective territory. Local public administration is exercised by Akim and its Akimat apparatus. Akims of the oblasts, major cities and the capital are appointed to office by the President of the Republic on the recommendation of the Prime Minister. Akims of other administrative-territorial units are appointed or elected to office in the order, determined by the President of the Republic of Kazakhstan. The President of the Republic shall have the right to release akims from office at his own discretion. The main functions of the local executive body are the following: Local representative bodies are maslikhats. Deputies to maslikhat are elected by people for a four-year term. The main functions of the maslikhat include:

**3: Civil Code of the Republic of Kazakhstan**

*Civil Code of the Republic of Kazakhstan Enforced by the Decree of the Supreme Council of the Republic of Kazakhstan dated December 27, The numbers "I-III" after the word "Section" in the text are replaced respectively by.*

Unofficial translation The numbers "I-III" after the word "Section" in the text are replaced respectively by numbers "" in accordance with the Law of the Republic of Kazakhstan dated Regulation of Civil Law Relations Article 1. Relations Regulated by Civil Legislation 1. The civil legislation shall regulate goods and monetary relations and other property relations based on the premise of equality of the participants, as well as personal non-property relations linked to property relations. The participants of the relations regulated by the civil legislation are the citizens, legal entities, state and administrative and territorial units. Personal non-property relations not linked to property relations shall be regulated by civil legislation, unless they are otherwise provided for by legislative acts or ensue from the essence of a personal property relation. Civil legislation shall apply to family relations, labor relations and relations associated with the use of natural resources and the protection of the environment, which meet the requirements of paragraph 1 of this Article, in the cases where those relations are not regulated respectively by legislation concerning family, labor, use of the natural resources and protection of the environment. Civil legislation shall not apply to property relations which are based on the administrative or any other power subordination of one party by the other, including tax and other budget relations, except for the cases provided for by legislative acts. The Basic Principles of Civil Legislation 1. Civil legislation shall be based on the principles of the equality of the all parties before the law, the inviolability of property rights, freedom of agreement, prohibition of arbitrary interference of in personal affairs, necessity of free exercise of civil rights, provision for the restitution of violated rights and their defense in the court. Citizens and legal entities shall acquire and exercise their civil rights by their will and in their interests, as well as refuse from their will and in their interest, unless otherwise stipulated by legislative acts. They shall be free on establishing their rights and obligations on the basis of agreements and on specifying any their conditions, which do not contradict legislation. The movement of goods, services and money shall be unrestricted in the entire territory of the Republic of Kazakhstan. However, legislation will be introduced to restrict the circulation of goods and services when it is necessary to protect human safety, the environment and valuable cultural assets. Article 2 as amended by the Laws of the Republic of Kazakhstan dated Civil Legislation of the Republic of Kazakhstan 1. The civil legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan and consist of this Code, other laws of the Republic of Kazakhstan adopted in accordance with it, the decrees of the President of the Republic of Kazakhstan having the force of laws, edicts of the Parliament, and edicts of the Senate and Mazhilis legislative acts , as well as decrees of the President of the Republic of Kazakhstan, decrees of the Government of the Republic of Kazakhstan regulating conduct indicated in paragraphs 1 and 2 of Article 1 of this Code. In case of a contradiction between the provisions of civil law which are contained in the acts of legislation of the Republic of Kazakhstan, except for those indicated in paragraph 3 of Article 1 of this Code, and the provisions of this Code, then the provisions of this Code shall be applied. The provisions of civil law contained in legislation of the Republic of Kazakhstan and contradicting the provisions of this Code may be applied only after the introduction of the appropriate amendments into this Code. This Code regulates the formation, reorganization, bankruptcy and liquidation of banks and grain procurement enterprises, the supervision of banking activities and their auditing, the supervision of activities of grain procurement enterprises, the licensing of certain of banking transactions and the performance of transactions in warehouse warrants of grain procurement enterprises, so long as this Code does not contradict the legislative acts regulating the banking business and activities of grain procurement enterprises. Relations between banks and their clients, as well as relations between clients through banks, shall be regulated by civil legislation in accordance with the procedure established in paragraph 2 of this Article. Civil relations may be regulated by tradition, including the tradition of business operation, unless it is in contradiction with the civil legislation effective in the territory of the Republic of Kazakhstan. Ministries and other central executive bodies, local representative and

executive bodies, may issue acts which regulate civil relations, in the cases and within the limits provided for by this Code, and by other acts of civil legislation. The rights of the citizens and legal entities which are established by this Code and any other legislative acts of the Republic of Kazakhstan may not be restricted by the acts of the bodies of the state administration and local representative and executive bodies. Such acts shall be invalid from the moment of their adoption and must not be applicable. Foreign individuals and legal entities and also stateless persons shall have the right to acquire the same rights and they shall be obliged to fulfill the same obligations which are provided for by civil legislation for the citizens and legal entities of the Republic of Kazakhstan, unless otherwise stipulated by the legislative acts. If an international treaty ratified by the Republic of Kazakhstan establishes different rules than those contained in the civil legislation of the Republic of Kazakhstan, the rules of the indicated treaty shall be applied. The international treaties ratified by the Republic of Kazakhstan shall be applied to civil relations directly, except for the cases where it ensues from a treaty that its application requires the issuing of a domestic Law. Article 3 as amended by the Decree of the President of the Republic of Kazakhstan having the force of Law dated The Effect of Civil Legislation in Time 1. Civil legislation acts shall not have retroactive force and shall apply to disputes which arise after their entering into force. The legal force of a civil legislation act shall apply to relations which arose prior to its enactment in the cases where it is directly provided for by it. According to the conditions which arose prior to the entering of a civil legislation act into force, it shall be applied to the rights and obligations which arise after its entering into force. Relations of parties to an agreement concluded prior to the enactment of civil legislation act which shall be regulated in accordance with Article of this Code. Application of Civil Legislation by Analogy 1. In the cases where the relations provided for by the paragraphs 1 and 2 of Article 1 of this Code are not regulated directly by legislation or an agreement of the parties and tradition applicable to such relations does not exist, those provisions of civil legislation shall apply, which regulate similar relations analogy of a statute , unless this contradicts their essence. When it is impossible to use the analogies of law in the indicated cases, the rights and obligations of the parties shall be defined on the basis of the general fundamentals and the spirit of civil legislation as well as the requirements of good faith, reasonableness and fairness analogy of law. Interpretation of Civil Legislation Provisions 1. Provisions of civil legislation must be interpreted literally. Where the possibility of different understanding of the words used in the text of legislative provisions exists, preference shall be given to that understanding which is consistent with the provisions of the Constitution of the Republic of Kazakhstan and the fundamental principles of civil legislation which are outlined in this Chapter, and first of all in Article 2. When establishing the precise meaning of a provision in civil legislation, it shall be required to consider the historic conditions under which it was introduced and its interpretation in judicial practice, unless it contradicts the requirements specified in paragraph 1 of this Article. Grounds for arising, change and termination of civil rights and obligations"; Civil rights and obligations arise, change and terminate from the grounds provided for by the legislation of the Republic of Kazakhstan, as well as from actions of citizens and legal entities, which, although not provided for by it, but due to the general principles and meaning of civil legislation, generate civil rights and obligations. In accordance with this, civil rights and obligations emerge, change and terminate: Article 7 in the new wording of the Law of the Republic of Kazakhstan dated The Exercise of Civil Rights 1. Citizens and legal entities shall exercise civil rights belonging to them including the right to protection at their discretion. The refusal of citizens and legal entities to exercise their rights shall not entail the cessation of those rights, except for the cases provided for by legislative acts. The exercise of civil rights must not violate the rights and the interests of any other subjects under legislation, and it must not harm the environment. Citizens and legal entities must act in good faith, reasonably and fairly when exercising their rights, and comply with the requirements contained in legislation and the moral principles of the society. Entrepreneurs must also comply with the rules of business ethics. This obligation may not be excluded or restricted by any agreement. The good faith, reasonableness and fairness of the acts of participants in civil rights relations shall be presumed. Actions of citizens and legal entities aimed at causing harm to another person, abuse of the right in other forms, as well as the exercise of the right in contradiction with its purpose are not allowed. In case of non-compliance with the requirements provided for in paragraphs 3 - 6 of this article, the court may refuse to protect the right belonging

to the person. Article 8 as amended by the Law of the Republic of Kazakhstan dated Protection of Civil Rights 1. Protection of civil rights is carried out by court, arbitration through: Legal entities have no right to compensation for moral harm. The appeal for protection of a violated right to a body of power or administration shall not prevent an appeal to the court with an action to protect a right, unless legislative acts specify otherwise. In the cases which are specifically provided for in legislative acts, the protection of civil rights shall be carried out directly by actual or legal acts of the person whose right is violated self-defense. The person whose right is violated may require the entire restitution of the damages inflicted on him her , unless otherwise stipulated by legislative acts or the agreement. The concept of damages means the losses, which are incurred or must be incurred by the person whose right is violated, the loss or the damage of his property real damage and also lost profit which this person would have received under the normal conditions of the turnover, should his right have not been violated lost profits. The losses which are inflicted upon a citizen or a legal entity as a result of issuing by a governmental body of an act which does not comply with legislation, or by any other state body, and also by acts failure to act of the officials of those bodies, shall be subject to compensation by the Republic of Kazakhstan or by the relevant administrative and territorial unit. If the emergence of the legal consequences of a violation is related to the guilt of the violator his guilt shall be presumed, except for the cases where legislative acts stipulate otherwise. Article 9 as amended by the Laws of the Republic of Kazakhstan dated Protection of the Rights of Entrepreneurs and Consumers 1. Entrepreneurship is an independent, initiative activity of citizens, oralmans and legal entities aimed at obtaining a net income through the use of property, production, sale of goods, performance of work, provision of services, based on the right of private property private business or on the basis of the right of economic management or operational management of a state-owned enterprise state entrepreneurship. Entrepreneurial activity is carried out on behalf of, for the risk and under the property responsibility of an entrepreneur. The state shall guarantee, protect and support the freedom of entrepreneurial activities. The rights of entrepreneurs who carry out activities which are not prohibited by legislation shall be protected as follows: Permission or notification procedure is established by the Law of the Republic of Kazakhstan "On permissions and notifications" depending on the level of danger of the activity or action operation in order to protect the life and health of people, environment, property, national security law and order. Permission procedure is established in cases when the requirements for products, the requirements for mandatory confirmation of compliance, stipulated by the laws of the Republic of Kazakhstan, are insufficient to achieve the objectives of state regulation. A commercial entrepreneurial secret shall be protected by law. The procedure for identifying the information which constitutes a commercial secret, the methods of its protection and also the list of information which must not be included among commercial secrets shall be established by legislation. The protection of the rights of consumers shall be ensured by the means provided by this Code and any other legislative acts. In particular, each consumer shall have the right: Article 10 as amended by the Decree of the President of the Republic of Kazakhstan having the force of Law dated Prohibition of Abusing the Freedom of Entrepreneurship 1. Monopolistic activities and any other activities aimed to restrict or eliminate legal competition or the extraction of unreasonable advantages by the restriction of rights and legitimate interests of consumers, shall not be allowed. Except for the cases provided for by legislative acts, the use by entrepreneurs of civil rights for the purpose of restricting competition shall not be allowed, in particular: Measures aimed to control unfair competition shall be established by legislative acts. The subjects of the Civil Rights Paragraph 1. The Definition of an Individual Citizens of the Republic of Kazakhstan, citizens of other states, as well as stateless persons shall be understood to be individual persons. The provisions of this chapter shall apply to any individual persons, unless they are otherwise established by this Code. The Legal Capacity of Citizens 1. The capacity to have civil rights and bear obligations civil rights capacity shall be recognized as equal to all citizens. The legal capacity of a citizen shall arise at the moment of his birth and it shall cease with his death. The principal Contents of the Legal Capacity of a Citizen A citizen, on the basis of the right to ownership, may have property, including foreign currency, both within the Republic of Kazakhstan and beyond its borders; inherit and bequeath property; freely move around the territory of the republic and choose a place of residence; freely leave the borders of the republic and return to its territory; engage in any activities not prohibited by



legislative acts; to establish legal entities independently or with other citizens and legal entities; carry out any transactions not prohibited by legislative acts and participate in obligations; have the right of intellectual property for inventions, works of science, literature and art, other results of intellectual activity; demand compensation for material and moral harm; have other property and personal non-property rights. Article 14 as amended by the Law of the Republic of Kazakhstan dated The name of a Citizen 1. A citizen shall acquire and exercise the rights and obligations under his her name including the surname and the proper name and at his her discretion - the patronymic name. Legislation may provide for cases of anonymous acquisition of the rights and execution of obligations, or the use of a pen name fictitious name by citizens. The name which is received by a citizen at his birth and also the change of the name shall be subject to registration in accordance with the procedure established by legislation concerning the registration of civil status acts. A citizen shall have the right to change his name in accordance with the procedure established by legislative acts. The change of name shall not be the basis for the cessation or alteration of his rights and obligations which are acquired under the former name, anonymously or under a pseudonym. A citizen who has changed his her name shall have the right to require the introduction of the appropriate amendments into the documents formulated for his her former name. The acquisition of rights and obligations under the name of a different person shall not be allowed. A citizen has the right to demand prohibition of the use of his name, when this was done without his consent, except for the cases stipulated by the laws of the Republic of Kazakhstan. The harm caused to a citizen as a result of the illicit use of his her name shall be subject to compensation in accordance with the provisions of this Code.

**4: New Civil Procedure Code of Kazakhstan - Studies & Opinions | Tengrinews**

*The civil legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of of this Code, other laws of the Republic of Kazakhstan, presidential decrees of the Republic of Kazakhstan which are valid the law, resolutions of Parliament, resolutions of the Senate and Majilis of Parliament (legal.*

In two languages Fullscreen mode Print Unofficial translation The numbers "I-III" after the word "Section" in the text are replaced respectively by numbers "" in accordance with the Law of the Republic of Kazakhstan dated Regulation of Civil Law Relations Article 1. Relations Regulated by Civil Legislation 1. The civil legislation shall regulate goods and monetary relations and other property relations based on the premise of equality of the participants, as well as personal non-property relations linked to property relations. The participants of the relations regulated by the civil legislation are the citizens, legal entities, state and administrative and territorial units. Personal non-property relations not linked to property relations shall be regulated by civil legislation, unless they are otherwise provided for by legislative acts or ensue from the essence of a personal property relation. Civil legislation shall apply to family relations, labor relations and relations associated with the use of natural resources and the protection of the environment, which meet the requirements of paragraph 1 of this Article, in the cases where those relations are not regulated respectively by legislation concerning family, labor, use of the natural resources and protection of the environment. Civil legislation shall not apply to property relations which are based on the administrative or any other power subordination of one party by the other, including tax and other budget relations, except for the cases provided for by legislative acts. The Basic Principles of Civil Legislation 1. Civil legislation shall be based on the principles of the equality of the all parties before the law, the inviolability of property rights, freedom of agreement, prohibition of arbitrary interference of in personal affairs, necessity of free exercise of civil rights, provision for the restitution of violated rights and their defense in the court. Citizens and legal entities shall acquire and exercise their civil rights by their will and in their interests, as well as refuse from their will and in their interest, unless otherwise stipulated by legislative acts. They shall be free on establishing their rights and obligations on the basis of agreements and on specifying any their conditions, which do not contradict legislation. The movement of goods, services and money shall be unrestricted in the entire territory of the Republic of Kazakhstan. However, legislation will be introduced to restrict the circulation of goods and services when it is necessary to protect human safety, the environment and valuable cultural assets. Article 2 as amended by the Laws of the Republic of Kazakhstan dated Civil Legislation of the Republic of Kazakhstan 1. The civil legislation of the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan and consist of this Code, other laws of the Republic of Kazakhstan adopted in accordance with it, the decrees of the President of the Republic of Kazakhstan having the force of laws, edicts of the Parliament, and edicts of the Senate and Mazhilis legislative acts , as well as decrees of the President of the Republic of Kazakhstan, decrees of the Government of the Republic of Kazakhstan regulating conduct indicated in paragraphs 1 and 2 of Article 1 of this Code. In case of a contradiction between the provisions of civil law which are contained in the acts of legislation of the Republic of Kazakhstan, except for those indicated in paragraph 3 of Article 1 of this Code, and the provisions of this Code, then the provisions of this Code shall be applied. The provisions of civil law contained in legislation of the Republic of Kazakhstan and contradicting the provisions of this Code may be applied only after the introduction of the appropriate amendments into this Code. This Code regulates the formation, reorganization, bankruptcy and liquidation of banks and grain procurement enterprises, the supervision of banking activities and their auditing, the supervision of activities of grain procurement enterprises, the licensing of certaints of banking transactions and the performance of transactions in warehouse warrants of grain procurement enterprises, so long as this Code does not contradict the legislative acts regulating the banking business and activities of grain procurement enterprises. Relations between banks and their clients, as well as relations between clients through banks, shall be regulated by civil legislation in accordance with the procedure established in paragraph 2 of this Article. Civil relations may be regulated by tradition, including the tradition of business operation, unless it is in contradiction with the civil

legislation effective in the territory of the Republic of Kazakhstan. Ministries and other central executive bodies, local representative and executive bodies, may issue acts which regulate civil relations, in the cases and within the limits provided for by this Code, and by other acts of civil legislation. The rights of the citizens and legal entities which are established by this Code and any other legislative acts of the Republic of Kazakhstan may not be restricted by the acts of the bodies of the state administration and local representative and executive bodies. Such acts shall be invalid from the moment of their adoption and must not be applicable. Foreign individuals and legal entities and also stateless persons shall have the right to acquire the same rights and they shall be obliged to fulfill the same obligations which are provided for by civil legislation for the citizens and legal entities of the Republic of Kazakhstan, unless otherwise stipulated by the legislative acts. If an international treaty ratified by the Republic of Kazakhstan establishes different rules than those contained in the civil legislation of the Republic of Kazakhstan, the rules of the indicated treaty shall be applied. The international treaties ratified by the Republic of Kazakhstan shall be applied to civil relations directly, except for the cases where it ensues from a treaty that its application requires the issuing of a domestic Law. Article 3 as amended by the Decree of the President of the Republic of Kazakhstan having the force of Law dated The Effect of Civil Legislation in Time 1. Civil legislation acts shall not have retroactive force and shall apply to disputes which arise after their entering into force. The legal force of a civil legislation act shall apply to relations which arose prior to its enactment in the cases where it is directly provided for by it. According to the conditions which arose prior to the entering of a civil legislation act into force, it shall be applied to the rights and obligations which arise after its entering into force. Relations of parties to an agreement concluded prior to the enactment of civil legislation act which shall be regulated in accordance with Article of this Code. Application of Civil Legislation by Analogy 1. In the cases where the relations provided for by the paragraphs 1 and 2 of Article 1 of this Code are not regulated directly by legislation or an agreement of the parties and tradition applicable to such relations does not exist, those provisions of civil legislation shall apply, which regulate similar relations analogy of a statute , unless this contradicts their essence. When it is impossible to use the analogies of law in the indicated cases, the rights and obligations of the parties shall be defined on the basis of the general fundamentals and the spirit of civil legislation as well as the requirements of good faith, reasonableness and fairness analogy of law. Interpretation of Civil Legislation Provisions 1. Provisions of civil legislation must be interpreted literally. Where the possibility of different understanding of the words used in the text of legislative provisions exists, preference shall be given to that understanding which is consistent with the provisions of the Constitution of the Republic of Kazakhstan and the fundamental principles of civil legislation which are outlined in this Chapter, and first of all in Article 2. When establishing the precise meaning of a provision in civil legislation, it shall be required to consider the historic conditions under which it was introduced and its interpretation in judicial practice, unless it contradicts the requirements specified in paragraph 1 of this Article. Grounds for arising, change and termination of civil rights and obligations"; Civil rights and obligations arise, change and terminate from the grounds provided for by the legislation of the Republic of Kazakhstan, as well as from actions of citizens and legal entities, which, although not provided for by it, but due to the general principles and meaning of civil legislation, generate civil rights and obligations. In accordance with this, civil rights and obligations emerge, change and terminate: Article 7 in the new wording of the Law of the Republic of Kazakhstan dated The Exercise of Civil Rights 1. Citizens and legal entities shall exercise civil rights belonging to them including the right to protection at their discretion. The refusal of citizens and legal entities to exercise their rights shall not entail the cessation of those rights, except for the cases provided for by legislative acts. The exercise of civil rights must not violate the rights and the interests of any other subjects under legislation, and it must not harm the environment. Citizens and legal entities must act in good faith, reasonably and fairly when exercising their rights, and comply with the requirements contained in legislation and the moral principles of the society. Entrepreneurs must also comply with the rules of business ethics. This obligation may not be excluded or restricted by any agreement. The good faith, reasonableness and fairness of the acts of participants in civil rights relations shall be presumed. Actions of citizens and legal entities aimed at causing harm to another person, abuse of the right in other forms, as well as the exercise of the right in contradiction with its purpose are not allowed. In case of non-compliance with the

requirements provided for in paragraphs 3 - 6 of this article, the court may refuse to protect the right belonging to the person. Article 8 as amended by the Law of the Republic of Kazakhstan dated Protection of Civil Rights 1. Protection of civil rights is carried out by court, arbitration through: Legal entities have no right to compensation for moral harm. The appeal for protection of a violated right to a body of power or administration shall not prevent an appeal to the court with an action to protect a right, unless legislative acts specify otherwise. In the cases which are specifically provided for in legislative acts, the protection of civil rights shall be carried out directly by actual or legal acts of the person whose right is violated self-defense. The person whose right is violated may require the entire restitution of the damages inflicted on him her , unless otherwise stipulated by legislative acts or the agreement. The concept of damages means the losses, which are incurred or must be incurred by the person whose right is violated, the loss or the damage of his property real damage and also lost profit which this person would have received under the normal conditions of the turnover, should his right have not been violated lost profits. The losses which are inflicted upon a citizen or a legal entity as a result of issuing by a governmental body of an act which does not comply with legislation, or by any other state body, and also by acts failure to act of the officials of those bodies, shall be subject to compensation by the Republic of Kazakhstan or by the relevant administrative and territorial unit. If the emergence of the legal consequences of a violation is related to the guilt of the violator his guilt shall be presumed, except for the cases where legislative acts stipulate otherwise. Article 9 as amended by the Laws of the Republic of Kazakhstan dated Protection of the Rights of Entrepreneurs and Consumers 1. Entrepreneurship is an independent, initiative activity of citizens, oralmans and legal entities aimed at obtaining a net income through the use of property, production, sale of goods, performance of work, provision of services, based on the right of private property private business or on the basis of the right of economic management or operational management of a state-owned enterprise state entrepreneurship. Entrepreneurial activity is carried out on behalf of, for the risk and under the property responsibility of an entrepreneur. The state shall guarantee, protect and support the freedom of entrepreneurial activities. The rights of entrepreneurs who carry out activities which are not prohibited by legislation shall be protected as follows: Permission or notification procedure is established by the Law of the Republic of Kazakhstan "On permissions and notifications" depending on the level of danger of the activity or action operation in order to protect the life and health of people, environment, property, national security law and order. Permission procedure is established in cases when the requirements for products, the requirements for mandatory confirmation of compliance, stipulated by the laws of the Republic of Kazakhstan, are insufficient to achieve the objectives of state regulation. A commercial entrepreneurial secret shall be protected by law. The procedure for identifying the information which constitutes a commercial secret, the methods of its protection and also the list of information which must not be included among commercial secrets shall be established by legislation. The protection of the rights of consumers shall be ensured by the means provided by this Code and any other legislative acts. In particular, each consumer shall have the right: Article 10 as amended by the Decree of the President of the Republic of Kazakhstan having the force of Law dated Prohibition of Abusing the Freedom of Entrepreneurship 1. Monopolistic activities and any other activities aimed to restrict or eliminate legal competition or the extraction of unreasonable advantages by the restriction of rights and legitimate interests of consumers, shall not be allowed. Except for the cases provided for by legislative acts, the use by entrepreneurs of civil rights for the purpose of restricting competition shall not be allowed, in particular: Measures aimed to control unfair competition shall be established by legislative acts. The subjects of the Civil Rights Paragraph 1. The Definition of an Individual Citizens of the Republic of Kazakhstan, citizens of other states, as well as stateless persons shall be understood to be individual persons. The provisions of this chapter shall apply to any individual persons, unless they are otherwise established by this Code. The Legal Capacity of Citizens 1. The capacity to have civil rights and bear obligations civil rights capacity shall be recognized as equal to all citizens. The legal capacity of a citizen shall arise at the moment of his birth and it shall cease with his death. The principal Contents of the Legal Capacity of a Citizen A citizen, on the basis of the right to ownership, may have property, including foreign currency, both within the Republic of Kazakhstan and beyond its borders; inherit and bequeath property; freely move around the territory of the republic and choose a place of residence;

freely leave the borders of the republic and return to its territory; engage in any activities not prohibited by legislative acts; to establish legal entities independently or with other citizens and legal entities; carry out any transactions not prohibited by legislative acts and participate in obligations; have the right of intellectual property for inventions, works of science, literature and art, other results of intellectual activity; demand compensation for material and moral harm; have other property and personal non-property rights. Article 14 as amended by the Law of the Republic of Kazakhstan dated The name of a Citizen 1. A citizen shall acquire and exercise the rights and obligations under his her name including the surname and the proper name and at his her discretion - the patronymic name. Legislation may provide for cases of anonymous acquisition of the rights and execution of obligations, or the use of a pen name fictitious name by citizens. The name which is received by a citizen at his birth and also the change of the name shall be subject to registration in accordance with the procedure established by legislation concerning the registration of civil status acts. A citizen shall have the right to change his name in accordance with the procedure established by legislative acts. The change of name shall not be the basis for the cessation or alteration of his rights and obligations which are acquired under the former name, anonymously or under a pseudonym. A citizen who has changed his her name shall have the right to require the introduction of the appropriate amendments into the documents formulated for his her former name. The acquisition of rights and obligations under the name of a different person shall not be allowed. A citizen has the right to demand prohibition of the use of his name, when this was done without his consent, except for the cases stipulated by the laws of the Republic of Kazakhstan. The harm caused to a citizen as a result of the illicit use of his her name shall be subject to compensation in accordance with the provisions of this Code.

**5: Civil Code of the Republic Kazakhstan. ( edition) | Open Library**

*The Civil Code of the Republic of Kazakhstan, as amended, is the key document for any foreign investor and remains of considerable interest to the comparative law community as a leading Central Asian.*

Though traditionally referring only to ethnic Kazakhs, including those living in China, Russia, Turkey, Uzbekistan and other neighbouring countries, the term "Kazakh" is increasingly being used to refer to any inhabitant of Kazakhstan, including non-Kazakhs. The Kazakh territory was a key constituent of the Eurasian Steppe route, the ancestor of the terrestrial Silk Roads. Archaeologists believe that humans first domesticated the horse in Central Asia, which was originally inhabited by the Scythians. The Cuman entered the steppes of modern-day Kazakhstan around the early 11th century, where they later joined with the Kipchak and established the vast Cuman-Kipchak confederation. While ancient cities Taraz, Aulie-Ata and Hazrat-e Turkestan had long served as important way-stations along the Silk Road connecting Asia and Europe, true political consolidation began only with the Mongol rule of the early 13th century. Under the Mongol Empire, the largest in world history, administrative districts were established. These eventually came under the rule of the emergent Kazakh Khanate in Kazakhstan. Throughout this period, traditional nomadic life and a livestock-based economy continued to dominate the steppe. In the 15th century, a distinct Kazakh identity began to emerge among the Turkic tribes, a process which was consolidated by the mid-16th century with the appearance of the Kazakh language, culture, and economy. Nevertheless, the region was the focus of ever-increasing disputes between the native Kazakh emirs and the neighbouring Persian-speaking peoples to the south. At its height, the Khanate would rule parts of Central Asia and control Cumania. Political disunion, tribal rivalries, and the diminishing importance of overland trade routes between East and West weakened the Kazakh Khanate. Khiva Khanate used this opportunity and annexed Mangyshlak Peninsula. Uzbek rule there lasted two centuries until the Russian arrival. During the 17th century, the Kazakhs fought the Oirats, a federation of western Mongol tribes, including the Dzungars. During this period, the Little Horde participated in the "war" against the Dzungars, following their "Great Disaster" invasion of Kazakh territories. The Kazakhs suffered from the frequent raids against them by the Volga Kalmyks. Also, the Emirate of Bukhara ruled Shymkent before the Russians took dominance. The "Great Game" period is generally regarded as running from approximately 1813 to the Anglo-Russian Convention of 1871. The tsars effectively ruled over most of the territory belonging to what is now the Republic of Kazakhstan. The Russian Empire introduced a system of administration and built military garrisons and barracks in its effort to establish a presence in Central Asia in the so-called "Great Game" for dominance in the area against the British Empire, which was extending its influence from the south in India and Southeast Asia. Russia built its first outpost, Orsk, in 1834. Russia introduced the Russian language in all schools and governmental organisations. It had disrupted the traditional nomadic lifestyle and livestock-based economy, and people were suffering from hunger and starvation, with some Kazakh tribes being decimated. The Kazakh national movement, which began in the late 19th century, sought to preserve the native language and identity by resisting the attempts of the Russian Empire to assimilate and stifle them. From the 1890s onward, ever-larger numbers of settlers from the Russian Empire began colonising the territory of present-day Kazakhstan, in particular the province of Semirechye. The number of settlers rose still further once the Trans-Aral Railway from Orenburg to Tashkent was completed in 1881. Petersburg oversaw and encouraged the migration to expand Russian influence in the area. During the 19th century, about 1 million Russians immigrated to Kazakhstan, and about one million Slavs, Germans, Jews, and others immigrated to the region during the first third of the 20th century. The competition for land and water that ensued between the Kazakhs and the newcomers caused great resentment against colonial rule during the final years of the Russian Empire. The most serious uprising, the Central Asian Revolt, occurred in 1916. The Kazakhs attacked Russian and Cossack settlers and military garrisons. The revolt resulted in a series of clashes and in brutal massacres committed by both sides. Soviet Union Stanitsa Sofiiskaya, Talgar. Soviet repression of the traditional elite, along with forced collectivisation in the late 1920s and 1930s, brought famine and high fatalities, leading to unrest. See also: Famine in Kazakhstan of 1931-32. The republic was one of the destinations for exiled and convicted persons, as well as for

mass resettlements, or deportations effected by the central USSR authorities during the 1930s and 1940s, such as approximately 1.5 million Volga Germans deported from the Volga German Autonomous Soviet Socialist Republic in September–October 1941, later the Greeks, and Crimean Tatars. Deportees and prisoners were interned in some of the biggest Soviet labour camps the Gulag, including ALZhIR camp outside Astana, which was reserved for the wives of men considered "enemies of the people". The Soviet-German War led to an increase in industrialisation and mineral extraction in support of the war effort. In 1954, Soviet leader Nikita Khrushchev initiated the Virgin Lands Campaign designed to turn the traditional pasture-lands of Kazakhstan into a major grain-producing region for the Soviet Union. The Virgin Lands policy brought mixed results. Hundreds of nuclear tests were conducted until 1989 and had negative ecological and biological consequences. Governmental troops suppressed the unrest, several people were killed, and many demonstrators were jailed. On 25 October 1990, Kazakhstan declared its sovereignty on its territory as a republic within the Soviet Union. Following the August aborted coup attempt in Moscow, Kazakhstan declared independence on 16 December 1991, thus becoming the last Soviet republic to declare independence. Ten days later, the Soviet Union itself ceased to exist.





be regulated by civil legislation in accordance with the procedure established in paragraph 2 of this Article. Civil relations may be regulated by tradition, including the tradition of business operation, unless those contradict the civil legislation which is effective in the territory of the Republic of Kazakhstan. Ministries and other central executive bodies, local representative and executive bodies, may issue acts which regulate civil relations, in the cases and within the limits provided for by the present Code, and by other acts of civil legislation. The rights of the citizens and legal entities which are established by the present Code and any other legislative acts of the Republic of Kazakhstan may not be restricted by the acts of the bodies of the state administration and local representative and executive bodies. Such acts shall be invalid from the moment of their adoption and must not be applicable. Foreign individuals and legal entities and also stateless persons shall have the right to acquire the same rights and they shall be obliged to fulfil the same obligations which are provided for by civil legislation for the citizens and legal entities of the Republic of Kazakhstan, unless legislative acts stipulate otherwise. When an international treaty, to which the Republic of Kazakhstan is a signatory, establishes different rules than those contained in the civil legislation of the Republic of Kazakhstan, the rules of the indicated treaty shall apply. The international treaties to which the Republic of Kazakhstan is a signatory, shall apply to civil relations directly, except for the cases where it ensues from a treaty that its application requires the issuing of a domestic act of the Republic.

**The Effect of Civil Legislation in Time** 1. Civil legislation acts shall not have retroactive force and they shall apply to relations which arise after their entering into force. The legal force of a civil legislation act shall apply to relations which arose prior to its enactment in the cases where it is directly provided for by it. With regard to relations which arose prior to the entering into force of a civil legislation act, it shall apply to the rights and obligations which arise after its entering into force. Relations of parties to an agreement concluded prior to the enactment of civil legislation act shall be regulated in accordance with Article of this Code.

**Application of Civil Legislation by Analogy** 1. In the cases where the relations provided for by paragraph 1 and 2 of Article 1 of this Code are not regulated directly by legislation or an agreement of the parties and tradition applicable to such relations does not exist, those provisions of civil legislation shall apply, which regulate similar relations analogy of a law , unless this contradicts their essence. When it is impossible in the indicated cases to use the analogies of law, the rights and obligations of the parties shall be defined on the basis of the general fundamentals and the spirit of civil legislation as well as the requirements of good faith, reasonableness and fairness analogy of law.

**Interpretation of Civil Legislation Provisions** 1. Provisions of civil legislation must be interpreted literally. Where the possibility exists of different understanding of the words used in the text of legislative provisions, preference shall be given to that understanding which is consistent with the provisions of the Constitution of the Republic of Kazakhstan and the fundamental principles of civil legislation which are outlined in this Chapter, and first of all in Article 2. When establishing the precise meaning of a provision in civil legislation, it shall be required to consider the historic conditions under which it was introduced and its interpretation in judicial practice, unless it violates the requirements specified in paragraph 1 of this Article.

**The Foundations for the Emergence of Civil Rights and Obligations** Civil rights and obligations shall arise on the fundamentals which are specified in legislation and also from actions of citizens and legal entities which, although not specified in it, but by virtue of the general fundamentals and the spirit of civil legislation, give rise to civil rights and obligations. In accordance with this, civil rights and obligations shall arise as follows:

**The Exercise of Civil Rights** 1. Citizens and legal entities at their discretion shall exercise civil rights which belong to them, including the right to their protection. The refusal of citizens and legal entities to exercise their rights shall not entail the cessation of those rights, except for the cases which are provided for by legislative acts. The exercise of civil rights must not violate the rights and the interests of any other subjects under legislation, and it must not do any harm to the environment. Citizens and legal entities must act in good faith, reasonably and fairly when exercising their rights, and comply with the requirements which are contained in legislation, with the moral principles of the society, while entrepreneurs must also comply with business ethics rules. This obligation may not be excluded or restricted by any agreement. The good faith, reasonableness and fairness of the acts of participants in civil rights relations shall be presumed. Acts of citizens and legal entities which aim to cause harm to any other person, at the abuse of rights in any other form and also at an exercise of a right in

contradiction to its intention. In the case of a failure to comply with the requirements specified in paragraphs 3 to 5 of this Article the court may deny a person the protection of his right. Protection of Civil Rights 1. The protection of civil rights shall be exercised by the court, arbitration tribunal or the judgement of third party by way of: The appeal for protection of a violated right to a body of power or administration shall not prevent an appeal to the court with an action to protect a right, unless legislative acts specify otherwise. In the cases which are specifically provided for in legislative acts, the protection of civil rights shall be carried out directly by actual or legal acts of the person whose right is violated self-defence. The person whose right is violated may require the entire restitution of the losses inflicted on him, unless legislative acts or the agreement do not stipulate otherwise. The expenditure shall be understood to mean losses, which are incurred or must be incurred by the person whose right is violated, the loss or the damage to his property real damage and also lost profit which this person would have received under the normal conditions of the turnover, should his right have not been violated lost profits. The losses which are inflicted upon a citizen or a legal entity as a result of issuing by a governmental body of an act which does not comply with legislation, or by any other state body, and also by acts failure to act of the officials of those bodies, shall be subject to compensation by the Republic of Kazakhstan or by the relevant administrative and territorial unit. When emergence of the legal consequences of a violation is related to the guilt of the violator his guilt shall be presumed, except for the cases where legislative acts stipulate otherwise. January 27, ]; 11 Law of 11th July of the Republic of Kazakhstan. Entrepreneurship is the activity of citizens and legal entities, taken on the initiative, irrespective of the form of ownership, which is aimed at the earning of profits or personal net income by way of satisfying the demand for goods work, services which is based on the private property private entrepreneurship or under the right to business authority of a state-owned enterprise state entrepreneurship. Entrepreneurial activity shall be carried out on behalf of, under the risk, and under the property liability of the entrepreneur. The state shall guarantee the freedom of entrepreneurial activities and it shall ensure its protection and support. The rights of entrepreneurs who carry out the activities which are not prohibited by legislation shall be protected as follows: The manufacture and sale of certain types of goods, work and services, because of considerations of national security; ensuring law and order; protection of the environment; property and lives and health of citizens must be carried out in accordance with the State licences. The list of such goods, work and services shall be defined by legislative acts or in accordance with the procedure established by them. A commercial entrepreneurial secret shall be protected by law. The procedure for identifying the information which constitutes a commercial secret, the methods of its protection and also the list of information which must not be included among commercial secrets shall be established by legislation. The protection of the rights of consumers shall be ensured by the means which are envisaged by this Code or any other legislative acts. In particular, each consumer shall have the right: Prohibition of Abusing the Freedom of Entrepreneurship 1. Monopolistic activities and any other activities aimed at restricting or eliminating legal competition or the extraction of unreasonable advantages by the restriction of rights and legitimate interests of consumers, shall not be allowed. Except for the cases provided for by legislative acts, the use by entrepreneurs of civil rights for the purpose of restricting competition, shall not be allowed, in particular: The remedies to control unfair competition shall be established by legislative acts. The Definition of a Physical Person Citizens of the Republic of Kazakhstan, citizens of other states, as well as stateless persons shall be understood to be physical persons. The provisions of this chapter shall apply to any physical persons, unless it is otherwise established by this Code. The Legal Capacity of Citizens 1. The capacity to have civil rights and bear obligations civil rights capacity shall be recognised as equal in all citizens. The legal capacity of a citizen shall arise at the moment of his birth and it shall cease with his demise. The Principal Contents of the Legal Capacity of a Citizen A citizen may have, under his right of ownership , properties including foreign currency, both within the boundaries of the Republic of Kazakhstan and beyond its boundaries; inherit and bequest property; move freely in the territory of the Republic and select the place of residence; freely leave the boundaries of the Republic and return to its territory; engage in any activities which are not prohibited by legislative acts; create legal entities independently or with other citizens and legal entities, enter into any transactions which are not prohibited by legislative acts and participate in obligations; have the right to intellectual property with regard

to inventions, works of science, literature and art and any other results of intellectual activity; claim the compensation for financial and moral damage; have any other property rights and personal rights.

**7: Civil Code of the Republic of Korea - Wikipedia**

*The order of legal proceedings on civil cases in the Republic of Kazakhstan is determined by Constitutional Laws, Civil Procedure Code of the Republic of Kazakhstan based on the Constitution of the Republic of Kazakhstan and generally recognized principles and norms of International Law.*

State order in the Republic of Kazakhstan Article 3 of the Constitution states that the state power in the Republic of Kazakhstan is unified and executed on the basis of the Constitution and laws in accordance with the principle of its division into the legislative, executive and judicial branches and a system of checks and balances that governs their interaction. The Presidency The President of the Republic of Kazakhstan is the head of state, its highest official determining the main directions of the domestic and foreign policy of the state and representing Kazakhstan within the country and in international relations. He shall ensure by his arbitration concerted functioning of all branches of state power and responsibility of the institutions of power before the people. The President is elected every seven years on the basis of universal suffrage. One and the same person may not be elected the President of the Republic more than two times in a row. On 1 December the first general elections of the President were carried out, on which N. Nazarbayev re-elected the head of the state. All-nation referendum of April 29, confirmed this decision. The 29th of April the Presidents powers had been extended till at nation-wide referendum. The 10th of January on the alternative basis had been elected as a President of Kazakhstan supported by The official website of President of the Republic of Kazakhstan consists of the Constitution English , Constitutional laws, Codes, Presidential decrees, and International treaties Kazakh, Russian, English Parliament The highest representative body of the Republic of Kazakhstan is the bicameral Parliament. The first two-chamber Parliament was elected in December The Senate is composed of deputies elected in twos from each region, major city and the capital of the Republic of Kazakhstan, at a joint session of the deputies of all representative bodies of the respective oblast, major city and the capital of the Republic. The President also appoints seven senators. Terms of the powers of Senate deputies shall be six years. The Majilis consists of 77 deputies, 67 of whom are elected from the geographical electoral districts directly by voters. Term of the powers of the Majilis deputies shall be five years. Parliament at a joint session of the Chambers: It implements the executive power in Kazakhstan, heads the system of executive bodies and exercise supervision of their activity. A new structure of the Government of the Republic of Kazakhstan was re-established in The website of the Government of the Republic of Kazakhstan contains some laws and decrees in Kazakh, Russian and English. More can also be found at Governments on the WWW: Constitutional Council Part six of the Constitution contains fundamental regulations establishing constitutional control in the Republic, which is assigned to the Constitutional Council. It does not belong to the juridical system and it is a state structure ensuring the supremacy of the Constitution of the Republic as of the Basic Law on the whole territory of Kazakhstan. The Constitutional Council consists of seven members, the Chairman and two members are appointed by the President of the Republic, the Chairmen of the Senate and Majilis of Parliament each appoint two members for the term of six years. Its website contains the decisions of the Constitutional Council, the acting laws, the scientific articles and other information. Kazakh, Russian, English Local Public Administration and Self-Administration Local representative bodies - maslikhats "express the will of the population of respective administrative-territorial units and with regard to the common public interests shall determine the measures needed for its realization, and control their implementation. Their jurisdiction includes development of drafts of plans, economic and social programs for development of the territory, local budget and provision of their realization; management of public property; appointment to and release from office the heads of local executive bodies, resolution of other issues connected with organization of the work of local executive bodies; exercise other powers delegated to local executive bodies by the legislation of the Republic in the interests of local public administration. Judicial Authority Justice in the Republic of Kazakhstan is exercised only by the court. The judicial system in the Republic consists of the Supreme Court Republic of Kazakhstan, the highest judicial body, and regional, district, town, and city courts. You can also find English access to some useful information on the website of

the Supreme Court. The Constitution, codes, laws, secondary legislation, and decisions of the Supreme Court are found in Kazakh and Russian.

**8: Code of civil procedure of the Republic of Kazakhstan**

*The Supreme Court of the Republic of Kazakhstan is the highest judicial body for civil, criminal, and other cases, which are under the courts of general jurisdiction. This court also exercises supervision over the activities of other courts in the form of juridical procedure stipulated by law and provides interpretation on the issues of.*

The Civil Code is the foundation of civil legislation in Kazakhstan. The Civil Code which consist of both a General Part and a Special Part , is the systemized and codified law that is used as the legal basis for regulating all types of property-related and personal non-property-related between citizens, legal entities and the state. The General Part of the Civil Code sets out the basis for the regulation of corporate entities. Ownership rights, transactions, securities and obligations. It also guarantees the right to freedom of contract, and grants guarantees against arbitrary interference in private matters and freedom of entrepreneurial activity. Under the Civil Code, foreign investors enjoy the same rights and obligations as citizens and legal entities of Kazakhstan, unless otherwise provided by legislative acts. In addition, the Special Part regulates non-contractual damages and sets out conflict-of-laws rules. In addition to the Civil Code, Kazakhstan has specific laws regulating different types of civil-law relation e. However, in the event of any discrepancies between such laws and the Civil Code, the latter will prevail except for regulation in the areas of employment, subsoil use and environment. With certain limited exceptions, the Civil Code permits a contract between a Kazakhstani company and its foreign counterparty to be foreign law. Nonetheless, contracts between two Kazakhstani companies must be governed by Kazakhstan law. The relations associated with the formation, reorganization, bankruptcy and liquidation of banks and grain procurement enterprises, supervision of banking activities and their auditing, supervision of activities of grain procurement enterprises, licensing of certain types of banking transactions performance of transactions in warehouse warrants of grain procurement enterprises, shall be regulated by Civil Code inasmuch as this does not contradict the legislative acts that regulate the banking business and activities of grain procurement enterprises. Civil relations may be regulated by tradition, including the tradition of business operation, unless those contradict the civil legislation which is effective in the territory of the Republic of Kazakhstan. Ministries and other central executive bodies, local representative and executive bodies, may issue acts which regulate civil relations, in the cases and within the limits provided for by the Civil Code, and by other acts of civil legislation. Foreign individuals and legal entities and also stateless persons shall have the right to acquire the same rights and they shall be obliged to fulfill the same obligations which are provided for by civil legislation for the citizens and legal entities of the Republic of Kazakhstan, unless legislative acts stipulate otherwise. When an international treaty, to which the Republic of Kazakhstan is a signatory, establishes different rules than those contained in the civil legislation of the Republic of Kazakhstan, the rules of the indicated treaty shall apply. The international treaties to which the Republic of Kazakhstan is a signatory, shall apply to civil relations directly, except for the cases where it ensues from a treaty that its application requires the issuing of a domestic act of the Republic. Civil legislation acts shall not have retroactive force and they shall apply to relations which arise after their entering into force. The legal force of a civil legislation act shall apply to relations which arose prior to its enactment in the cases where it is directly provided for by it. Civil rights and obligations shall arise on the fundamentals which are specified in legislation and also from actions of citizens and legal entities which, although not specified in it, but by virtue of the general fundamentals and the spirit of civil legislation, give rise to civil rights and obligations. In accordance with this, civil rights and obligations shall arise as follows: The capacity to have civil rights and bear obligations civil rights capacity shall be recognized as equal in all citizens. The legal capacity of a citizen shall arise at the moment of his birth and it shall cease with his demise. A citizen may have, under his right of ownership , properties including foreign currency, both within the boundaries of the Republic of Kazakhstan and beyond its boundaries; inherit and bequest property; move freely in the territory of the Republic and select the place of residence; freely leave the boundaries of the Republic and return to its territory; engage in any activities which are not prohibited by legislative acts; create legal entities independently or with other citizens and legal entities, enter into any transactions which are not prohibited by

legislative acts and participate in obligations; have the right to intellectual property with regard to inventions, works of science, literature and art and any other results of intellectual activity; claim the compensation for financial and moral damage; have any other property rights and personal rights. In the case where legislative acts allow for the entering into marriage prior to reaching eighteen years of age, a citizen who has not reached 18 years of age shall acquire deed capacity in its entire volume from the moment of entering marriage. All citizens shall have equal deed capacity, unless it is otherwise provided for by legislative acts. No one may be restricted in legal capacity and deed capacity otherwise than in the cases and in accordance with the procedure provided for by legislative acts. A citizen, who, as a result of psychic disease or mental weakness, cannot understand the meaning of his acts or direct them, may be recognized by the court as incapable, and in this connection, guardianship shall be established over him. On behalf of citizens recognized as incapable, the transactions shall be carried out by a guardian. In the case of a recovery or a significant improvement of the health of the incapable person, the court shall recognize him as capable, after which guardianship over him shall be alleviated. A citizen who consequential to the abuse of alcoholic drinks or narcotic substances puts his family into a difficult financial position may be restricted by the court with regard to his deed capacity in accordance with the procedure established by the Civil Procedural Code of the Republic of Kazakhstan. Tutorship shall be established over him. He shall have the right to independently enter into small day-to-day transactions. He may commit any other transactions, receive wages, pensions and any other income, and he may dispose of them [but] only with the consent of the tutor. Where a citizen severs the abuse of alcoholic drinks or narcotic substances, the court shall abolish restrictions of his capacity. On the basis of the court decision the tutorship established over the citizen shall be abolished. An organization which has under the right of ownership, the right of business authority or operational management, its separate assets and which is liable with this property for its obligations, which may, in its name, acquire and exercise property rights and personal non-property rights and obligations, and may be the plaintiff or defendant in the court of law, shall be recognized as a legal entity. A legal entity must have its independent balance-sheet or budget. A legal entity shall have a seal with its name. A legal entity may be an organization which pursues the extraction of income as the principal purpose of its activities commercial organization , or which does not have the extraction of income as such a goal and which does not distribute earned net income between its participants non-commercial organization. A legal entity which is a commercial organization enterprise may be created solely in the form of a state-owned enterprise, business partnership, joint-stock company or production cooperative. A legal entity, which is a non-commercial organization, may be created in the form of an institution, public association, joint-stock company consumer co-operative, public foundation, religions association and any other form which is provided for by legislative acts. A non-commercial organization may engage in entrepreneurial activity only for as long as it is consistent with the objectives of its charter. A legal entity that is a non-commercial organization and maintained at the expense of the state budget may be formed exclusively in the form of a state-owned institution. Legal entities may create associations. A legal entity may have civil rights and bear obligations associated with its activity in accordance with the Civil Code. In the cases stipulated by legislative acts, for legal entities carrying out certain types of activity, a possibility may be excluded or restricted to engage in another activity. A legal entity may engage in certain types of activities, the list of which is defined by legislative acts, only on the basis of a license. The legal capacity of a legal entity shall arise at the moment of its creation and it shall cease at the time of completion of its liquidation. The legal capacity of a legal entity in a sphere of activities which requires a license shall arise from the moment of the procurement of such a license and it shall cease at the moment of its revocation, expiry of the term of its validity, or recognition of it as invalid in accordance with the procedure established by legislative acts. The legal capacity of a legal entity who is a non-commercial organization and maintained solely at the expense of the state budget state institution shall be defined by the Civil Code and other legislative acts of the Republic of Kazakhstan. A legal entity shall be subject to state registration by the bodies of Justice. The procedure for the state registration shall be defined by legislation. Information concerning state registration, in particular, the business names of commercial organizations, shall be included in the Single State Register of Legal Entities. A legal entity shall be deemed to be created from the moment of its state registration. Affiliates and

representations shall be registered in accordance with the procedure established by legislative acts. A business partnership shall be recognized to be a commercial organization with its authorized capital divided into shares contributions of the foundation parties participants. Properties created at the expense of the investments of the foundation parties participants and also produced and acquired by the business partnership in the course of its activities shall belong to it under the right of ownership. Business partnerships may be created in the form of a general partnership, limited partnership, limited liability partnership, partnership with additional liability. Objects, money, including foreign currency, securities, work, services, and the objectivized results of creative and intellectual activities, commercial names, trademarks, commercial names and trademarks and any other means of individualization of products, property rights and any other assets, shall be recognized as property privileges and rights property. Life, health, the dignity of a person, honor, good name, business reputation, inviolability of private life, personal and family secrets, the right to name, the right to be an author, the right to inviolability of production and any other intangible privileges and rights shall be referred to the personal non-property privileges and rights. Items of the civil rights may be freely alienated or transferred from one person to another in the course of the universal legal successor ship inheritance, reorganization of a legal entity or by any other method, unless they are exempt from circulation or restricted in their turnover. The real estate immovable assets, immovable shall comprise the following: Also, air and sea vessels, vessels of domestic water travel, vessels of river and sea sailing, and cosmic facilities, shall be equated to immovable objects which are subject to state registration. Any other assets may be recognized as immovable objects by legislative acts. Assets which are not recognized as immovable, including money and securities, shall be recognized as movable assets. Property may be divisible and indivisible. Divisible property shall be assets, parts whereof do not lose their designation function as result of division. Indivisible property shall be property which may not be divided without changing its economic designation function , or which is not to be subdivided by virtue of a prescription in a legislative act. When heterogeneous items form a single unit which permits the use in accordance with its designation, determined by the nature of their combination, they shall be deemed to be one item compound item. Income obtained as a result of using assets fruit, production, income , shall belong to the person who uses those assets on a legal basis, unless it is otherwise stipulated in legislation or in the agreement concerning the use of that asset. General rules concerning objects shall apply to animals in so far as legislation does not stipulate otherwise. ? !



**9: Civil servants RK**

*Supported by rising oil output and prices, Kazakhstan's economy grew at an average of 8% per year until , before suffering a slowdown in and Kazakhstan was the first former Soviet Republic to repay all of its debt to the International Monetary Fund, 7 years ahead of schedule.*

Certain obligations Chapter General Terms of Sale Article Contract of Sale 1. According to the sales contract, one party the seller agrees to transfer the property goods in the property, economic management or operative control of the other party the buyer , the buyer agrees to take the property goods and pay a certain amount of money for it the price. By purchasing and selling of securities and currency values the provisions provided for in this item shall be applied, if the legislation does not have special rules for their sale. Features of the sale of goods by the Islamic Bank in carrying out of banking operations shall be established by legislative acts of the Republic of Kazakhstan, regulating the banking sector. In the cases provided by the this Code or other laws, peculiarities of the sale of certain categories of goods shall be determined by legislative and other normative legal acts. The provisions of this paragraph shall apply to the sale of property rights, unless it otherwise follows from the content or the nature of those rights. Regulations under this section shall be applied for certain contracts of sale retail sales, supply of goods, energy supply, contracting, sale of business , unless otherwise provided by the rules of the this Code on contracts for these transactions. When selling property in accordance with the procedure established for the execution of judicial decisions, an officer of the court shall act as the vendor. The Terms of the Contract for Product 1. Goods under a contract of sale may be anything, in compliance with the rules of Article of this Code. Contract may be concluded for the sale of goods, available from the seller at the time of conclusion of the contract, as well as the goods that will be created or acquired by seller in the future, unless otherwise provided by legislation or follows from the nature of the goods. The condition of the product is considered to be consistent if the contract allows you to define the name and quantity of the goods material conditions. The seller is obliged to transfer the goods, provided by the contract. Unless otherwise provided by the contract, the seller is obliged to transfer the goods to the buyer with its accessories simultaneously, as well as related documents documents proving the completeness, quality, safety, operation, etc. Term of Performance of Obligations to Transfer Goods 1. Term of performance of obligations to transfer the goods to the buyer by the seller shall be defined by the contract, if the contract does not allow to determine the term - it shall be determined in accordance with the rules set out in article of this Code. The contract of sale shall be concluded with the condition of its execution to the strictly defined time period, unless the contract shall clear that if there is a violation of the deadline, the buyer loses interest in the performance of the contract. The seller shall not be entitled to perform such an agreement before or after a specified period, without the consent of the buyer. Legislative acts or contract may establish cases of performance of the contract of sale in parts intermediate deadlines for the performance of the contract. The product shall be supplied to the buyer, when the deadline provided for under the contract, the goods are ready to be transferred to the appropriate place and the buyer, in accordance with the terms of the contract is aware of the readiness of the goods for the transfer. This product shall not be considered to ready for transfer, if it is not identified for the purposes of the contract, by marking or otherwise. Passing the Risk of Accidental Loss of Goods 1. The risk of accidental loss or accidental damage of the goods, which is provided by the contract of sale, shall be passed to the buyer, when in accordance with legislative acts or the contract, the seller is considered to perform his her duty to transfer the goods to the buyer. The risk of accidental loss or accidental damage of the goods, which is sold on the way, shall be passed to the buyer since the moment of conclusion of the contract of sale, unless otherwise provided by the contact or customary business practice. A condition of the contract, that the risk of accidental loss or accidental damage of the goods passes to the buyer, since the moment of delivery of the goods to the first carrier, and at the request of the buyer could be found invalid by a court, if, at the time of conclusion of the contract the seller knew or ought to have known that the goods are lost or damaged and not reported it to the buyer. The buyer shall be obliged to reimburse to the seller the necessary costs, unless otherwise provided by agreement of the parties. The seller is obliged to transfer the

goods, which are free of any rights of third parties, except in the case, where the buyer has agreed to take the goods, which are encumbered to the rights of third parties. Failure by the seller of this duty gives the buyer the right to demand a reduction in the price of goods or cancellation of the contract and claim damages, if it can be shown that the buyer knew or should have known about the rights of third parties on this product. The rules provided in paragraph 1 of this Article shall be applied in the case at the time of goods transferring to the buyer, whether the claims of third parties are presented, and of which the seller is aware about the claims, which are subsequently found to be legally valid. In the case of seizure the goods from the buyer by third parties on the grounds that arose before the execution of the contract, the seller must compensate the buyer incurred losses, unless it shall be proved that the buyer knew or should have known about the presence of these grounds. Obligations of the Buyer and Seller in the case of filing out for the Seizure of Goods 1. If a third party gives the buyer the suit on seizure of goods on the grounds of arisen execution of the contract, the buyer is obliged to bring the seller the participation in the case, and the seller is obliged to enter the case on the side of the customer. The non-involvement by the buyer of the seller to the case shall release the seller from the liability to the buyer, if the seller can prove that by participating in the case, he she could have prevented the seizure of goods, which is sold by the buyer. If the seller refuses to hand over the sold goods to the buyer, the buyer shall be entitled to refuse on the performance of the sale contract. When the seller refuses to transfer a certain individual thing, the buyer shall be entitled to present a claim to the seller under Article of this Code. If the seller shall not supply or refuses to hand over the accessories of the goods or documents belonging to it, which he she must pass paragraph 2 of article of the Code to the customer, the buyer has the right to appoint him a reasonable time their transfer. In the case, where the accessories or documents relating to the goods are not delivered within the specified period of time by the seller, the buyer shall be entitled to refuse to accept the goods, unless otherwise provided by the contract. The Quantity of Goods The quantity of the goods, which shall be transferred to the buyer, in the relevant units or in monetary terms provided by the contract. The condition on the number of goods may be agreed by the contract establishing the order of its definition. If the seller has transferred to the buyer fewer goods than defined by the contract in breach of the contract, the buyer has the right, to demand the transfer of the missing quantities or refuse from the transferred goods and its payment, and if he she paid for to demand the return paid for a sum of money, unless otherwise provided by the contract. In the case, when the seller has delivered the goods to the buyer in an exceeding quantity that is specified in the contract and the buyer must notify the seller in accordance with paragraph 1 of Article of this Code. If the seller shall not be ordered the goods within a reasonable time after receiving the message from the buyer, the buyer shall have the right to take all the goods, unless otherwise provided for by the contract. In the case, when the buyer shall accept the goods in an exceeding quantity, which is specified in the contract, the goods shall be paid at the price in accordance with the contract defined for the goods, if a price is not determined by agreement of the parties. The Range of Goods If the contract of sale shall be subject to transfer the goods in a certain ratio by, models, sizes, colors and other characteristics range , the seller must give the buyer the goods in assortment, agreed to by the parties. The Consequences of a Breach of the Contract on the range of Goods 1. When transferring the range of goods, which is specified in the contract by the seller, and is not appropriate to the contract, the buyer has the right to refuse their acceptance and payment for it, and to demand the return of money, if they have already paid. If the seller has transferred to the buyer, the goods in violation of the terms of the contract, along with the goods, which range corresponds to the contract, the buyer shall be entitled to choose: When refusing of goods, which assortment does not appropriate to the contract, or the request for replacement of the goods, which is not appropriate with the contract, the buyer shall be entitled to refuse to pay for these goods, and to demand the return of money, if they have already paid. Products that do not appropriate with the terms of the contract on the range shall be considered to adopted, if the buyer within fifteen days after their receiving, shall not inform the seller about his her rejection of goods. If the buyer has not abandoned from goods assortment, which do not appropriate with the contract, he she shall be obliged to pay them on the price agreed with the seller. If the seller has not taken the necessary measures to harmonize prices within fifteen days, the buyer shall pay for the goods at a price, which was generally charged for similar goods, under comparable circumstances at the moment of conclusion of the contract. The rules of

the present Article shall be applied unless otherwise provided by the contract of sale. The Quality of the Goods

1. The seller is obliged to transfer to the buyer, the goods which quality should be corresponded to the contract. When the conditions on the quality of goods are absent in the contract, the seller is obliged to transfer the goods, which are appropriate for the purposes for what this of goods are generally used. If the seller when concluding a contract has been concluded about the specific purposes of acquiring the goods by the buyer, the Seller shall be obliged to transfer the goods, which are fit for usage in accordance with these purposes. When selling goods on the sample and or on the description, the Seller shall be obliged to transfer the goods to the buyer, which are corresponded to the sample and or description. If in accordance with the legislative acts, which provides the order on the mandatory requirements to the quality of the sold goods, the Seller, who engaged in entrepreneurial activity, shall be obliged to transfer the goods to the Buyer, which are corresponding to these mandatory requirements. Under the agreement between the Seller and the Buyer can be transferred goods, which are corresponded to the high quality requirements compared with the mandatory requirements, which were set out in the order established by legislative acts. The goods, which the seller shall be obliged to transfer to the buyer, shall comply with the requirements of this Article, at the time its transferring to the buyer, unless a different time for determining conformity with these requirements are not provided by the contract and it within a reasonable time should be suitable for the purpose for which this of goods are generally used. Expire Date of Goods 1. Legislation, regulatory requirements of State standards or other mandatory rules can be defined the period of time after which the goods are considered to be unfit for its intended use expire date , as well as cases where the expire date of the product is indicated on the product. Goods, for which set the expiration date, the Seller is obliged to transfer to the Buyer, taking into account that they can be used for intended purpose until the expiration date. Calculation of the Expiration Date of Goods The expiration date of the goods shall be determined by the period of time calculated from the date of its producing, and during which time the goods are fit for usage or by the date before which the goods are fit for usage. Guarantee of the Quality of Goods 1. Guarantee of the quality of the goods extends to all its constituent parts components , unless otherwise provided by the contract. The Procedure for Calculating the Guarantee Period 1. The warranty period shall begin from the moment of transfer of the goods to the buyer article of the this Code , unless otherwise provided by the contract. If the buyer is unable to use the goods, due to circumstances beyond the control of the seller and for which has been established the warranty period by the contract, the warranty period shall not be flowed until the relevant circumstances shall not be fixed by the seller. Unless another is provided by the contract, the warranty period shall be extended by the time during which the goods could not be used because of the deficiencies found in it, providing a notice of the seller about the defects of goods in accordance with the Article of this Code. Unless another is provided by the contract, the warranty period for a complementary part of the product shall be considered equal to the warranty term of the product and will run concurrently with the warranty period for the main product. Unless another is provided by the contract, the warranty period shall be started to run again, when replacing the product components. Verification of the Quality of the Goods 1. If legislation or contract provides for verification of the quality of the goods, it must be carried out in accordance with the requirements provided by them. In cases, where the State standards and other normative documents on standardization set mandatory requirements to the verification of the quality of goods, the quality control should be carried out in accordance with the instructions contained therein. If the conditions for verification the quality of the goods are not provided in the manner prescribed by paragraph 1 of this Article, the verification of quality of the goods shall be carried out in accordance with the customs of trade or other commonly used terms of the verification of the goods that to be transferred under the contract. If defects in the goods had not been stipulated by the seller, the buyer, who handed over the goods of inadequate quality may choose to require from the seller: In the case of inadequate quality of the parts of goods, which are included in series article of the this Code , the buyer has the right in respect of this part of the goods to exercise the rights provided in paragraph 1 of this Article. The rules of this Article shall apply, unless otherwise established by the this Code or other legislation. Material Defects for which the Seller Bears Responsibility 1. The seller shall be responsible for defects of the goods if the buyer can prove that they have arisen before the transfer to the buyer or for reasons that have arisen before that

moment. The seller shall be responsible for defects of the sold goods and in the case if he she did not know about them. The agreement to release the seller from liability or its limitation is not valid. In respect of the goods for which the seller provided the guaranteed quality, and the seller shall be responsible for defects of goods, unless he she proves that the defects in the goods arose after their transferring to the buyer as a result of the breach of the rules regarding the usage of the goods by the buyer or its storage or actions of third parties or force majeure.

**Terms of Detection the Defects in the Transferred Goods**

1. Unless another is not provided by legislative acts or contract, the buyer has the right to bring claims arising from the defects of goods that are found in the terms, which are established in this Article. If the goods do not have warranty period or expiration date, requirements related to defects in the goods may be brought by the buyer, in the case if the deficiencies in the sold goods were found within a reasonable period of time, but within two years from the date of transfer of the goods to the buyer, if longer terms are not set by legislative acts or contract. Deadline for identifying defects in the goods, which are transported or sent by mail, is calculated from the day of receipt of the goods at the place of destination. The buyer shall be entitled to bring claims arising from defects of goods, if the goods have warranty period and defects are found within this period. In the case, where the component parts in the contract is quarantined for a shorter duration than the main product, the buyer shall be entitled to make claims about the shortcomings of the component parts, if they are found within the warranty period on the main product. If the component of the product is installed in the contract a warranty period longer than the warranty period for the main product, the buyer shall be entitled to make a claim about the shortcomings of the product, in the case if the deficiencies in the component product are found within the warranty period on it, regardless of the expiration of the warranty period on the main product. According to the goods, which the expiry date has been set, the buyer is entitled to make a claim about the shortcomings of the goods if they are detected during the expiry day of the product. In cases where the contract warranty period is less than two years and material defects are found by the buyer after the expiration of the warranty period, then within two years from the date of transfer of the goods to the buyer, the seller shall be liable if the buyer proves that the material defects occurred before the transfer of goods to the buyer or for reasons that have arisen so far.

**Completeness of the Goods**

1. The seller must transfer the goods to the buyer which are conformed to terms of the contract on completeness. If the contract is not defined completeness of the goods, the seller must transfer goods to the buyer, the completeness of which is determined by the business practice or another specified requirements. Set of Products 1.

North Korea and the Northeast Asian energy equation Matlab for brain and cognitive scientists Lebedev concerto in one movement piano Big Theories Revisited (PB (Research on Sociocultural Influences on Motivation and Learning) Painting Unicorns in Watercolour Pike Spanish America 1900 1970 (Paper) Guide to the archives of the government of the United States in Washington. Mary Kay Ash : the power of pink Life of pi novel summary Introduction to Engineering Technology and Engineering Peachtree tutorial for beginners Philosophical logic Processes influencing the transport and fate of contaminated sediments in the coastal ocean Basic Technical Mathematics and Basic Technical Mathematics with Calculus, Students Solutions Manual When the dust come in between Mastram hindi C windows forms tutorial Ms excel training manual A letter from Paris, giving an account of the death of the late Queen Dowager, and of her disowning the P Power anatomy of the economic forces dominating the business the political world Diary four : Final miracles. Protection as prevention Afmc previous year question papers Old Glory and the Stars and Bars The Hawkland cache Public Health Administration The animal family by randall jarrell The Ergonomics Edge Alternatives to traditional mental health treatments Peter Huxley Growing up with Jesus 0553496417 add a pinch Triumph trophy service manual Do I have to give up me to be loved by you? Business and society ethics and stakeholder management Barley Hall A Day in a Medieval Town House Sybil and the soft red rock Dara Anastasia Moskowitz FDR and the New Deal 2 The Development of Locative Markers in the Changsha Disorders of the red blood cells Automatic generation of morphological set recognition algorithms