

## **On the approval of Regulations on the activities of investment Ombudsman**

Resolution of the Government of the Republic of Kazakhstan dated October 30, 2014 № 1153

In accordance with paragraph 2 of Article 12-1 of the Law of the Republic of Kazakhstan "On investments" dated January 08, 2003, the Government of the Republic of Kazakhstan **DECIDES:**

1. to approve the attached Regulations on the activities of investment Ombudsman.
2. This Resolution shall come into force in ten calendar days after its first official publication.

*Prime-Minister  
of the Republic of Kazakhstan*

*K. Massimov*

Approved  
by the resolution of the Government  
of the Republic of Kazakhstan  
dated October 30, 2014 № 1153

### **Regulations on the activities of investment Ombudsman**

#### **1. General provisions**

1. These Regulations on the activities of investment Ombudsman (hereinafter – the Regulations) are developed in accordance with paragraph 2 of Article 12-1 of the Law of the Republic of Kazakhstan “On investments” dated January 08, 2003.

2. Investment Ombudsman is an official appointed by the Government of the Republic of Kazakhstan and entrusted with the functions to assist in protecting the rights and lawful interests of investors.

3. Investment Ombudsman is guided in his activities by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan, acts of the President and the Government of the Republic of Kazakhstan, other normative legal acts of the Republic of Kazakhstan and these Regulations.

#### **2. The main functions of investment Ombudsman**

4. The main functions of investment Ombudsman are the following:

1) consideration of appeals of investors on issues arising during the implementation of investment activities in the Republic of Kazakhstan, and making recommendations for their resolution, including interaction with public authorities;

2) assistance to investors in addressing emerging issues in extra-judicial and pre-trial orders;

3) development and submission to the Government of the Republic of Kazakhstan of recommendations on improving the legislation of the Republic of Kazakhstan.

#### **3. Appeals of investors to investment Ombudsman**

5. An appeal of the investor – an individual shall state his name, surname and optionally his patronymic, mailing address, and an appeal of the investor – a legal entity shall state the name, legal address, reference number and the date of appeal.

An appeal shall be signed by the investor or his legal representative, whose rights and lawful interests have been violated, or certified by the electronic digital signature.

6. In the case of filing a complaint by the investor about the violation of his rights and lawful interests, an appeal shall include the name of the subject or the position, surnames and initials of officials, whose actions (inaction) violate the rights and lawful interests of investors, the motives of an appeal and requirements.

An appeal shall be accompanied by documents and other materials confirming the requirements of the investor.

#### **4. Consideration of investors' appeals by investment Ombudsman**

7. In order to assist investors in addressing emerging issues investment Ombudsman shall:

1) explain to the investor issues related to his rights and lawful interests, including forms and methods of their protection stipulated by the legislation of the Republic of Kazakhstan;

2) hold meetings, consultations, protocol meetings with public authorities and organizations to address the issues of investors, hear the heads of the interested public authorities and organizations or their deputies on the consideration of investors' appeals;

3) analyze the appeals of investors and the results of hearings of public authorities and organizations;

4) analyze the legislation and reveal the regulations that violate the rights of investors or hinder the conduct of business, and following the results make recommendations on the restoration of violated rights and lawful interests of investors;

5) submit to the relevant public authority and / or official, whose actions (inaction) violated the rights and lawful interests of investors, recommendations to restore the violated rights and lawful interests of investors.

The public authority and / or official, who received recommendations, shall provide a written response to investment Ombudsman on the results of their consideration in the manner prescribed by the legislation.

Recommendations of investment Ombudsman shall be executed in the form of meeting minutes at investment Ombudsman or letters.

In the case of disagreement with recommendations of investment Ombudsman, the official shall essentially motivate his decision in writing.

8. An appeal of the investor shall be considered by investment Ombudsman within thirty calendar days from the date of its receipt.

9. If necessary, investment Ombudsman requests from public authorities and organizations, regardless of their ownership, information necessary for the consideration of appeals of investors, except for information constituting a state or commercial secret.

10. Investment Ombudsman may recommend the investor to apply to the prosecutor's office for the inspection of legality of the decision made by the public authority or organization.

11. If investors' questions cannot be solved in accordance with the current legislation, Investment Ombudsman shall make and submit to the Government of the Republic of Kazakhstan recommendations to improve the legislation of the Republic of Kazakhstan.

#### **5. Organization of activities of investment Ombudsman**

12. Activities of investment Ombudsman shall be provided by the authorized body on investments.

The authorized body on investments shall:

1) register and transmit appeals for the consideration of investment Ombudsman, create and maintain an archive of appeals;

2) interact with public authorities and organizations on issues of the provision of investment Ombudsman's activities;

3) provide information and analytical, organizational and legal support of investment Ombudsman.

13. Investment Ombudsman once a month shall hold a protocol meeting, if it is necessary to consider an appeal of the investor at the meeting. In this case the interested public authorities and organizations shall be invited to the meeting.

14. Investment Ombudsman shall draw consultants and experts from among the individuals and legal entities of the Republic of Kazakhstan for the preparation of conclusions on the issues outlined in the appeal of the investor.

15. Investment Ombudsman annually in March shall send to the Government of the Republic of Kazakhstan the report on his activities.

16. Investment Ombudsman shall report on the results of his activities and recommendations made at the meetings of the Council on improvement of investment climate.