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Official website of the Ministry of Finance of the Republic of Kazakhstan (/irj/portal/anonymous)



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Provision about the Ministry of finance of the Republic of Kazakhstan

1. General provisions

1. The Ministry of finance of the Republic of Kazakhstan (further – the Ministry) is central executive body of the Republic of Kazakhstan, carrying management and also cross-sector coordination in the sphere of activity, related to its competence, within the framework, stipulated by the legislation.

2. The Ministry has branches: Treasury Committee, Committee of customs control, Tax Committee, Committee of financial control, Committee on Work with Insolvent Debtors, Committee of state property and privatization, Committee of financial monitoring.

3. The Ministry carries out its activity in accordance with the Fundamental law and laws of the Republic of Kazakhstan, acts of the President and the Government of the Republic of Kazakhstan, other normative legal acts, and also present Provision about the Ministry of finance of the Republic of Kazakhstan (further – Provision).

4. The Ministry is legal person in business legal structure of state institution, it has stamps and seals with its name on state language, standard forms, and also accounts in agencies of Treasury of the Ministry in accordance with legislation, and other accounts in cases, stipulated by the Budget code of the Republic of Kazakhstan and, international contracts, ratified by the Republic of Kazakhstan.

The Ministry enters into civil law relations in its own right.

The Ministry has right to be party of civil law relations on behalf of state, if it was authorized for it in accordance with the legislation.

5. Limit of staff number is approved by the Government of the Republic of the Kazakhstan upon the recommendation of the minister.

6. Legal address of the Ministry: 010000, Astana city, Pobeda Avenue 11.

7. Full name of the Ministry – state institution "Ministry of finance of the Republic of Kazakhstan.

8. Present Provision is constitutive document of the Ministry.

9. Financing of the Ministry's activity is carried out only from the republican budget.

It is prohibited to the Ministry to enter into contractual relations with business entities with respect to fulfillment of obligations, which are functions of the Ministry.

If the Ministry was granted right to execute activity, earning profit, then all incomings, received from such activity, are directed to the republican budget revenue.

2. Main tasks and functions of the Ministry

10. Main tasks of the Ministry are development of offers on main disciplines of tax, customs, budget policies, execution, maintenance of accounting records, budget accounting and statistics of state finances, execution of budget reporting on execution of the republican budget and within its competence of local budgets, National fund of the Republic of Kazakhstan on the basis of report of National Bank of the Republic of Kazakhstan, provision of fullness and timeliness of incomings taxes and other compulsory payments to budget, calculations, deductions and transfers of compulsory pension contributions into Pension Savings Funds, calculations and payments of social expenditures into State fund of social insurance, participation in implementation of tax policy, provision of economic security within its competence, provision of observance of tax legislation of the Republic of Kazakhstan, state regulation of manufacture and turnover of ethyl alcohol and alcoholic production, manufacture and turnover of tobacco products, manufacture and turnover of separate kinds of oil products, state regulation in the area of customs affair, state and borrowings, guarantees by the state, budget credit, disposal with the republican state ownership, management with governmental debt and debt, guaranteed by the state and owed to state, state procurements, execution of internal financial control, control over execution of bankruptcy procedures (with the exception of banks, insurance (reinsurance) organizations and Pension Saving Funds), regulation of activity in the area of accounting and financial reporting, regulation in the area of audit activity and control over activity of audit and professional organizations, execution of state ownership's monitoring, execution of financial monitoring with the purpose of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism.

Footnote. Item 10 is with changes, made by the decrees of the Government of the RK from 11.09.2008 N 846; from 21.04.2009 N 562; from 30.01.2010 N 42; from 31.03.2010 N 253.

11. The Ministry carries out following functions in accordance with tasks, incumbent on it, and in order, established by the legislation:

1) formation and implementation of state policy in the area of budget planning, execution of budget, accounting and budget accounting, financial and budget reporting, audit activity, accumulation of state's financial assets, and also other property, with the exception of intangible assets, concentrated in National fund of the Republic of Kazakhstan, participation in formation of policy in the area of state regulation of manufacture and turnover of ethyl alcohol and alcoholic production, state regulation of manufacture and turnover of tobacco products, state regulation of manufacture and turnover of separate kinds of oil products, in the area of customs affair, disposal with the republican state ownership, management with governmental debt and debt, guaranteed by the state and owed to state, state procurements, control over execution of bankruptcy procedures (with the exception of banks, insurance (reinsurance) organizations and Pension Saving Funds), accounting and financial reporting, state monitoring of ownership in the area of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism, participation in implementation of tax policy of the Republic of Kazakhstan;

2) prediction of incomings to budget and determination of objectives and priorities of state policy in the area of revenue incomings to state budget;

3) international cooperation on issues, which are in the competence of the Ministry;

4) development of strategic program documents in the area of state procurements and in the area of international cooperation;

5) cross-sector coordination and technical support in the area of state procurements, budget planning, execution of the republican and local budgets, accounting and budget accounting, financial and budget reporting, in the area of customs affairs, state monitoring of ownership;

6) development and adoption of normative legal acts within the competence of the Ministry;

7) organization of the republican budget execution;

8) execution and presentation of annual report about execution of the republican budget for the reporting financial year to the Government of the Republic of Kazakhstan, central authorized body on state planning and bodies of financial control, provision of coordination of work of administrators of budget programs during consideration of annual report about execution of the republican

budget for the reporting financial year in the Parliament of the Republic of Kazakhstan;

9) execution, approval and maintenance of summary financing plan on obligations, summary plan of incomings and financing by payments by the republican budget;

10) making changes and amendments in summary plan of incomings and financing by payments, summary plan of financing by obligations, including annual amounts;

11) preparation of reports about execution of state, consolidated, republican and local budgets;

12) preparation of reports about execution of plan of incomings and money expenditures from implementation of goods (works, services), about incomings and expenditures of money from sponsorship and philanthropic assistance by state, republican and local budgets;

12-1) preparation of reports about credit and debit debts of state, republican and local budgets;

12-2) preparation of report about incomings and usage of National fund of the Republic of Kazakhstan;

12-3) preparation of annual report about formation and usage of National fund of the Republic of Kazakhstan;

12-4) organization of execution of annual audit of National fund of the Republic of Kazakhstan;

13) development of projects of laws about the republican budget on appropriate planned period, making changes and amendments in budget and submitting to the Government of the Republic of Kazakhstan;

14) preparation of conclusions to projects of decrees of the Government of the Republic of Kazakhstan about allocation of funds from reserve of the Government of the Republic of Kazakhstan;

15) development of standards of state financial control together with Accounts Committee for Control over Execution of the Republican Budget;

16) submission, servicing of budget credits due to funds of the republican budget, provision of their accounting, monitoring and return;

17) was excluded by the decree of the Government of the RK from 21.04.2009 N 562;

18) determination of volumes, forms and conditions of borrowings by the Government of the Republic of Kazakhstan, volumes of payment and servicing of the governmental debt, approved in the republican budget on appropriate financial year;

19) submission of reports about execution of state, consolidated, republican and local budgets to the Government of the Republic of Kazakhstan, central authorized body on state planning and authorized body on internal control monthly as on first day of month, following for reporting, quarterly – to the Administration of the President of the Republic of Kazakhstan, report about execution of the republican budget – to Accounts Committee for Control over Execution of the Republican Budget;

20) submission of state guarantees on decision of the Government of the Republic of Kazakhstan by means of conclusion of state contract of guarantee in written form;

21) registration and accounting of state loans, loans, guaranteed by state, state guarantees, budget credits, state's guarantees and loans, guaranteed by the state;

21-1) execution of procedures for execution of accounting of payments by debt commitments of the Government of the Republic of Kazakhstan and operations on debiting from accounts of governmental external borrowings, connected grants and matching funds;

21-2) provision of accounting of debt commitments by governmental requirements, which were appeared in the result of budget crediting;

22) submission of state guarantees by order of the Government of the Republic of Kazakhstan on conditions and in order, determined by the Government of the Republic of Kazakhstan;

23) provision of execution of obligations by state guarantees of non-state borrowings;

24) issue of state emission securities of the Government of the Republic of Kazakhstan;

25) execution of budget monitoring;

26) monitoring of reception, usage, repayment and servicing of state loans and state debt, debt, guaranteed by state and debt under the guarantee of state, and also requirements of state, which were appeared due to execution of obligations by its guarantees by state;

27) monitoring of debt, guaranteed by state, and its management;

28) selection on a competitive basis, by agreement with authorized body on regulation and financial supervision and financial organizations and National Bank of the Republic of Kazakhstan, banks of second level, conclusion of contracts on servicing of governmental loans with them, non-state loans, with state guarantee, and grants, connected with following governmental borrowing, budget credits, primary dealers;

29) development of offers on establishment of special conditions and order for implementation of bankruptcy assets and additional requirements to purchasers of objects of bankruptcy assets during bankruptcy of organizations, for which present order was stipulated by Law of the Republic of Kazakhstan "On bankruptcy";

30) organization of qualification development and staff retraining;

31) approval of plan and program for execution of state monitoring of ownership;

31-1) development and approval of acts, concerning forms of compulsory departmental statistical reporting, check sheets, criteria for assessment of risk's level, annual plan for execution of inspections in the area of maintenance and protection of subjects of private enterprise in accordance with legislation about private enterprise;

32) development and presentation to the Government of the Republic of Kazakhstan of offers on prevention and removal of negative processes in the area of economy;

33) detection of necessities in optimization of structure of ownership's forms in areas of economy with strategic importance;

34) determination of order of submission of financial reporting to depositary;

35) coordination of form of professional accountant's certificate;

36) was excluded by the decree of the Government of the RK from 21.04.2009 N 562;

37) opening, maintenance and closing of control accounts of cash and accounts in foreign currency of state institutions;

38) determination of order of budget accounting maintenance;

39) determination of order for execution and presentation of reporting;

40) issue of licenses for execution of activity on property management and affairs of insolvent debtors in bankruptcy procedures in accordance with legislation about licensing;

41) licensing of activity in the area of customs affair;

42) licensing of audit activity;

43) licensing of activity on manufacture and turnover of ethyl alcohol and alcoholic products, manufacture of tobacco products, and also activity, connected with organization and execution of lotteries in the Republic of Kazakhstan;

44) was excluded by the decree of the Government of the RK from 21.04.2009 N 562;

45) was excluded by the decree of the Government of the RK from 21.04.2009 N 562;

46) execution of coordination of works on maintenance of state monitoring of ownership;

47) registration of civil transactions of state institutions;

48) execution of accreditation of professional organizations of accountants and professional audit organizations, organizations by professional certification of accountants;

49) coordination of issues by alienation or other disposal with property to the republican state fiscal enterprise in cases, stipulated by article 38 of Law of the Republic of Kazakhstan "On state enterprise";

50) coordination of execution of reorganization and liquidation of the republican state enterprise by body of financial management;

50-1) maintenance of the Register of state enterprises and institutions, legal persons with state participation in authorized capital;

50-2) coordination of standard for deduction of part of net profit to the republican budget of the republican enterprises founded on the right of economic competence, subject to the general jurisdiction of state bodies (with the exception of state enterprises of National Bank of the Republic of Kazakhstan);

50-3) execution of control over efficiency of usage of property, fixed on the basis of the right of economic management and operative management for the republican state legal persons by agreement with bodies of state management;

50-4) acceptance of property on voluntary basis and free of charge from private ownership to state ownership in order, determined by the Government of the Republic of Kazakhstan;

50-5) accounting of property, which was transferred from private ownership to state on voluntary basis and free of charge;

50-6) free acceptance of property, directed to ownership of state by separate reasons in accordance with legislation of the Republic of Kazakhstan;

50-7) execution of control over efficient and intended usage of objects of the republican ownership of complex "Baikonur", leasable by the Russian Federation;

50-8) coordination of projects of decisions, which were offered for acceptance on general shareholder meetings (participants of limited liability partnerships) of joint stock companies (limited liability partnerships) with state participation on list of issues, approved by the Government of the Republic of Kazakhstan;

51) coordination of issues on acceptance and transfer and fixed assets retirements, assigned to the republican state legal persons;

52) coordination of creation of branches, representative offices and subsidiaries by the republican state enterprises, carrying out activity on the basis of the right of economic management;

53) coordination of offers by objects, relating to the republican ownership and stipulated in sub-item 1) of item 2 of article 16 of Law of the Republic of Kazakhstan "On concessions", submitted by authorized state bodies of appropriate branch for their inclusion in list, during thirty working days from the moment of their submission;

53-1) coordination of list of objects, which were offered to concession, on middle-term period, approved by the Government of the Republic of Kazakhstan;

53-2) coordination of bid documents referring to objects, relating to the republican ownership;

53-3) provision of execution of concession obligations by concluded concession agreements;

53-4) registration of concession obligations;

53-5) coordination of concession projects in case, stipulated by budget legislation of the Republic of Kazakhstan;

53-6) determination of order of transfer of concession objects, which are in state ownership, to usage of concessioner;

53-7) execution of monitoring over execution of concession contracts by concession objects, which are in the republican ownership, within its competence;

53-8) acceptance in state ownership of concession objects, created (built) on the basis of agreements;

53-9) determination of order for acceptance of concession objects in state ownership;

54) approval of articles, dividing and liquidating balance sheets, and also transfer acts during reorganization and liquidation of the republican state enterprises;

55) development of measures, directed on increase of economic efficiency of enterprises, in case of necessity together with central executive bodies and persons, to which objects of monitoring belong;

56) maintenance of Foreign Economic Activity Commodity Nomenclature;

57) assignment of rehabilitation, bankruptcy manager and administrator of external supervision;

58) formation and approval of membership of committee of creditors and call of its first session in rehabilitation procedure;

59) monitoring, including by means of request access to debtor's information and documents, relating to its financial and economic activity;

60) approval of membership of committee of creditors during bankruptcy management, rehabilitation procedure, and also during procedure of external supervision;

61) maintenance of budget accounting and reporting;

62) execution of formation and maintenance of registers in the area of state procurements;

63) maintenance of the register of professional organizations and audit organizations;

64) maintenance of the register of concluded concession contracts by concession objects, relating to the republican state ownership;

65) formation of state data base of tax payers;

65-1) maintenance of state register of cash registers by means of inclusion (exclusion) of models of cash registers to (from) state register;

66) maintenance of the register of customs carriers, customs brokers, goods, containing items of intellectual property, and provision of their publishing;

67) approval of the register of creditors' requirements;

68) issuance a warning to professional organizations of accountants, organizations on professional certification of accountants in case of non-observance of accreditation rules;

69) was excluded by the decree of the Government of the RK from 30.01.2010 № 42;

70) demonstration as subject of right of the republican ownership (authorized body) in relation to the republican state enterprises;

71) determination of subject and objectives of activity of the republican state enterprise on presentation of state management body;

72) establishment of term of maintenance and provision of preservation of exempt property to its transfer to other person with following write-off to the republican state enterprise;

73) redistribution of property of liquidated republican enterprise, remained after satisfaction of the requirements of creditors;

74) coordination of issues, stipulated by article 25 of Law of the Republic of Kazakhstan "On state enterprise", to the republican state enterprise, executing activity on the basis of the right of economic management;

75) organization and execution of transfer of objects of the republican state ownership to confidential management, lease (renting) of state property, uncompensated use;

76) execution of privatization of objects of the republican ownership;

77) rendering of decision about privatization;

78) provision of preservation of state property during preparation of objects to privatization;

79) execution of assessment of object of privatization;

80) advance notice of authorized body on state material reserve management about forthcoming privatization, for making decision about placement of material valuables before object's privatization, in case of existence of material valuables of state material reserve on the object;

81) determination of conditions, form and type of privatization;

82) publishing of list of professional organizations of accountants, organizations on professional certification of accountants, information about issue, forfeit, suspense and termination of a license on execution of audit activity on state and Russian languages in printed periodical publications, distributed on the whole territory of the Republic of Kazakhstan, which granted right on official publishing of normative legal acts;

83) was excluded by the decree of the Government of the RK from 21.04.2009 N 562;

84) was excluded by the decree of the Government of the RK from 30.01.2010 № 42;

85) preparation and presentation of information about encumbrances of objects of privatization, and also about amount of credit and debit debt, concluded contracts and agreements of privatized enterprise, if object of privatization is enterprise as property complex;

86) organization and execution of biddings on privatization of objects of state ownership, preparation and conclusion of sale or purchase agreements of objects of state ownership;

87) presentation as founder of private legal persons with state participation, created by the decision of the Government of the Republic of Kazakhstan;

88) execution of organization of monitoring of operating and efficiency of management with joint stock companies with state participation in accordance with legislation;

89) organization and execution of monitoring of operation and efficiency of state enterprise management;

90) provision of participation of department and representatives of state bodies in bodies of non-state legal persons with state participation;

91) transfer of rights on possession and usage with state stock of shares, which is in the republican ownership, to other state body by the decision of the Government of the Republic of Kazakhstan;

92) analysis of information on state monitoring of ownership with the purpose of detection of factors, exerting negative effect on social-economic development of regions and the whole republic;

93) rendering of electronic services with application of information systems in accordance with legislation of the Republic of Kazakhstan about informatization;

94) was excluded by the decree of the Government of the RK from 30.01.2010 № 42;

95) was excluded by the decree of the Government of the RK from 30.01.2010 № 42;

96) representation of interests of state by issues of the republican ownership and protection of its property rights;

97) agreement on application of rehabilitation procedures to debtor;

98) consideration of projects of agreements, concluded by the committee of creditors with rehabilitation and bankruptcy managers, and also administrator of external supervision, on compliance to legislation of the Republic of Kazakhstan;

99) coordination of project of budget of administrative expenses of bankruptcy management, rehabilitation procedure, submitted by rehabilitation and bankruptcy manager (liquidator);

100) consideration of current reports of rehabilitation manager about execution of rehabilitation procedure (require information about executed transactions) and bankruptcy manager about execution of bankruptcy management, and also current reports of administrator of external supervision about execution of procedure of external supervision;

101) consideration of projects of sales plan of bankruptcy assets;

102) coordination of final report of rehabilitation manager and date of conclusion by the results of execution of rehabilitation procedure, and also final reports of bankruptcy manager and administrator of external supervision;

103) filing with a court of a petition for the annulment of rehabilitation procedure;

103-1) filing with a court of a petition for initiation of proceeding about execution of procedure of external supervision;

104) coordination of agreement, concluded by the committee of creditors with rehabilitation and bankruptcy managers;

105) coordination of agreements, concluded by the committee of creditors with administrators of external supervision about measures on provision of preservation of debtor's property, detection and analyse of its transactions and actions, executed before

introduction of procedure of external supervision, in the result of which debtor's insolvency happened, execution of verification by acts of property inventory and about other measures, established by the Law of the Republic of Kazakhstan "On bankruptcy";

106) applications about annulment of transactions, executed by debtor to its bankruptcy, if transaction, which was carried out by debtor with separate creditor or other person after initiation of proceeding about bankruptcy, will lead to preferred satisfaction of the requirements of each other;

107) by motion of bankruptcy, rehabilitation manager or administrator of external supervision can turn to the court in favour of bankruptcy proceeding, rehabilitation procedure and procedure of external supervision, and also with the purpose of protection of creditors' interests;

108) approval (coordination) of debtor's plan for rehabilitation;

109) coordination of changes in plan for rehabilitation of insolvent debtor;

110) approval of agreement of participant of financial rehabilitation with rehabilitation manager about responsibility of participant of financial rehabilitation, did not undertake obligation to provide satisfaction of requirements of creditors of insolvent debtor;

111) agreement on acceptance of appropriate debtor as bankrupt without initiating of bankruptcy management in case of absence of absent debtor, or its price is not enough for covering of administrative expenses, connected with execution of bankruptcy management;

112) organization of execution of the register of creditors' requirements and final report in accordance with the requirements of Law of the Republic of Kazakhstan "On bankruptcy" in case if liquidation of legal person is carried out without official and representative persons without initiating of bankruptcy management;

113) (was excluded by the decree of the Government of the RK from 11.09.2008 N 846);

114) organization of implementation of property of absent debtor;

115) (was excluded by the decree of the Government of the RK from 11.09.2008 N 846);

116) execution of customs administration in accordance with customs legislation of the Republic of Kazakhstan;

117) maintenance of customs statistics of external trade and special customs statistics of the Republic of Kazakhstan;

118) provision of constant timely informing of participants of foreign economic and other activity in the area of customs affairs, including about changes and amendments in customs legislation of the Republic of Kazakhstan, in order, established by Customs code;

119) development, creation and operation of information systems, communication systems and data transmission systems, technical facilities of customs control, and also protection means in accordance with legislation of the Republic of Kazakhstan;

120) execution of free consulting by issues of customs affairs;

121) provision of timely consideration and submission of responses or execution of other actions, following from requests and offers in the area of customs affair;

122) consideration of reports of state bodies with service of internal audit about execution of plans and the results of execution of internal control;

123) determination of legal person, executing publication of information about state procurements in the Bulletin, in accordance with the Law of the Republic of Kazakhstan "On state procurements";

124) determination of order of collection, summary analyse of reporting taking into account information about volumes of Kazakhstani content during procurements of goods, works, services;

125) participation in development, introduction and operation of state information systems in the area of state procurements;

125-1) determination of order of storage of information, placed on web-portal of state procurements;

126) determination of order of rendering of electronic services to subjects of system of state procurements and to other interested persons;

127) execution of tax expertise of contracts on subsurface use;

128) attribution of alcohol production to one or another kind in accordance with legislation of the Republic of Kazakhstan about state regulation of manufacture and turnover of ethyl alcohol and alcohol products;

129) organization of accounting, reporting in the area of manufacture and turnover of ethyl alcohol, alcohol products and tobacco products;

130) maintenance of single data base on manufacture and turnover of separate kinds of oil products;

131) organization and execution of work by enforced collection of tax payable;

132) determination of forms, order and terms of submission of information about scopes of manufacture and (or) turnover of oil products and other necessary information for maintenance of single data base by other state bodies;

133) execution of international obligations of the Republic of Kazakhstan by issues of fight with tax offences;

134) execution of explanation and submission of commentaries within its competence on appearance, execution and termination of tax obligation;

135) deposits of incomings on single treasury account;

136) provision of fullness and timeliness of deposits of incomings to budget;

137) deposits of incomings, directed to National fund of the Republic of Kazakhstan and their transfer on accounts of the Government of the Republic of Kazakhstan in National Bank of the Republic of Kazakhstan;

138) execution of operations in foreign currency and execution of their accounting;

139) execution of payment documents of tax and authorized agencies by return of amounts of incomings from budget or their deduction for repayment of tax payable;

140) servicing of execution of collection orders;

141) management with budget funds;

142) placement of temporarily free budget money of the republican and local budgets in deposits of National Bank of the Republic of Kazakhstan and prediction of scope of compensation (interest) by deposits of the Government of the Republic of Kazakhstan to the republican budget;

143) submission of approved, specified, corrected indexes of the republican and local budgets to central authorized body of state planning and their cash execution on date of adoption of decree of the President of the Republic of Kazakhstan about announcement of emergency or martial law;

114) was excluded by the decree of the Government of the RK from 30.01.2010 № 42;

145) organization and execution of state monitoring of ownership in branches of economy with strategic importance;

145-1) execution of request and reception of information on state monitoring of ownership, which is necessary for authentic and objective analyse;

145-2) justification of scope of state budget fund allocations for execution of works by state monitoring of ownership;

145-3) attraction of representatives of central and local executive bodies of the Republic of Kazakhstan for participation in direct inspection of objects of monitoring, collection and analyse of information, relating to subject of state monitoring of ownership;

145-4) execution of request and reception of documents and information, which are necessary for execution of state monitoring of ownership, from central and local executive bodies of the Republic of Kazakhstan, and also objects of monitoring;

145-5) attraction of independent experts and consultants for execution of works on examination of objects of monitoring, collection and analyse of information, development of offers and recommendations;

145-6) notification of leaders of object of monitoring about execution of examination with indication of persons, which should carry out it, and list of information, which should be submitted for familiarization;

145-7) familiarization with the results of examinations of objects of monitoring of persons, to whom belong these objects;

146) maintenance of electronic data base of state monitoring of ownership and provision of access to it to state bodies;

147) tracing of objects of monitoring by main production-technical, technological, financial-economic, legal and other parameters with the purpose of analyse of changes and prediction of development of production forces in branches of economy with strategic importance;

148) execution of control, including execution of listening of trust managers on issue of execution of obligations by trust managers in accordance with trust agreements with objects of the republican state ownership;

149) organization of execution of system examinations of objects of monitoring, executing collection and analyse of information by state monitoring of ownership;

150) was excluded by the decree of the Government of the RK from 30.01.2010 № 42;

150-1) making offers on change and (or) addition of list of objects of branches of economy with strategic importance, not rare than one time in three years to the Government of the Republic of Kazakhstan, in regard to which state monitoring of ownership was carried out, by recommendation of interested central and local executive bodies;

151) execution of payments and money transfer in national and foreign currency by obligations of state institutions;

152) execution of control in bankruptcy procedures of insolvent debtor over activity of rehabilitation and bankruptcy manager, and also over activity of administrator of external supervision during procedure of external supervision;

153) making decision about removal of rehabilitation, bankruptcy managers and administrator of external supervision in cases, established by legislation about bankruptcy;

154) execution of control over observance of order of execution of bidding on sale of property (assets) of debtor;

155) detection of features of false and premeditated bankruptcy;

156) consideration of complaints on actions of rehabilitation, bankruptcy managers and administrator of external supervision;

157) adoption measures on detection of transactions, which were carried out under circumstances, mentioned in article 6 of Law of the Republic of Kazakhstan "On bankruptcy";

158) execution of registration accounting of persons, who have licenses on management with property and affairs of insolvent debtors in bankruptcy procedures;

159) control over execution of procedure of external supervision, rehabilitation procedure and bankruptcy proceeding;

160) rendering of presentation to administrator of external supervision (rehabilitation or bankruptcy manager) subject to the existence of detected offences of legislation of the Republic of Kazakhstan about bankruptcy with indication of term for removal of such offences on the basis of results, reflected in certificate of inspection;

160-1) execution of records and consideration of affairs about administrative offences in the area of bankruptcy and imposition of administrative penalties in order, stipulated by legislation of the Republic of Kazakhstan about administrative offences;

161) execution and improvement of customs execution and customs control, and also creation of conditions, promoting to acceleration goods turnover through customs border of the Republic of Kazakhstan;

162) consideration of complaints on decisions, actions (lack of actions) of lower-level customs body and official bodies of customs body;

163) arrest and delivery in office premises of customs and law enforcement agencies of the Republic of Kazakhstan of persons, who made breaches of law or suspected of committing a crime, in accordance with legislative acts of the Republic of Kazakhstan;

164) collection of amounts of customs payments and taxes, including unpaid to budget in established terms, and also fine by them in order, established in Customs code of the Republic of Kazakhstan;

165) transfer of materials of control to law enforcement or agencies, which were authorized to consider proceedings about administrative offences, in cases of detection of features of crimes or administrative offences in actions of official bodies of control objects;

166) provision of protection of customs border of the Republic of Kazakhstan and control over observance of mode of customs control zone within its competence;

167) execution of currency control within its competence;

168) provision of fullness of levy and timeliness of transfer of customs payments and taxes to budget;

169) execution of control over correctness of determination of customs cost of goods;

170) execution of radiation control in points of goods and transport means pass through state (customs) border of the Republic of Kazakhstan;

171) execution of inquiry on proceedings about crimes in the area of customs affairs in order, stipulated by criminal procedure legislation of the Republic of Kazakhstan;

172) consideration of proceedings about administrative offences in the area of customs affairs and imposition of administrative penalties in order, stipulated by legislation of the Republic of Kazakhstan about administrative offences;

173) execution of work on prevention, detection and restraint of offences from official bodies of customs agencies within its competence;

174) rendering of assistance to state agencies in detection, prevention and restraint of offences in the area of tax, currency and other legislation of the Republic of Kazakhstan;

175) transfer of information about execution of actions (lack of actions), containing element essential to the offence during execution of state procurements during five working days from date of detection of such fact in law enforcement agencies with confirming documents;

176) sent to the Accounts Committee for Control over Execution of the Republican Budget, revision committees of maslikhats of appropriate plans and control acts for informing;

177) interaction with bodies of state financial control and law enforcement bodies on issues of control over observance of legislation of the Republic of Kazakhstan about state procurements and budget legislation of the Republic of Kazakhstan;

177-1) execution of protocols, consideration of proceedings about administrative offences and imposition of administrative penalties in the area of state procurements, accounting and financial reporting, audit activity, budget legislation of the Republic of Kazakhstan in order, stipulated by the legislation of the Republic of Kazakhstan about administrative offences;

178) interaction with central and local state bodies on execution of control over execution of tax legislation;

179) interaction with central state and local state bodies by execution of control over manufacture and turnover of tobacco products and separate kinds of oil products;

180) consideration of complaints of tax payers (tax agents) on notifications about the results of tax inspection and (or) decisions of senior body of tax service, made by the results of consideration of complaints on notifications, and also in part of action (lack of actions) of official bodies of tax services in order and in terms, established by the Code of the Republic of Kazakhstan "On taxes and other mandatory payments in budget" (Tax code);

180-1) decision making about refusal in prolongation of term for submission of reporting by monitoring or about prolongation of term for submission of reporting by monitoring;

181) sent of action to the court with the purpose of provision of compensation to the budget of detected amounts of offences by the results of control, and also about annulment of contracts about state procurements, concluded with breach of legislation of the Republic of Kazakhstan about state procurements;

182) sent of presentations by removal of detected offences to control objects, which are mandatory;

182-1) execution of request and reception of necessary documents, references, oral and written explanations by issues, connected with control execution from control objects in term, established by them;

182-2) studying of documents of control objects, relating to issues of control measure, taking into account observance of security order, service, commercial or other secret, protected by law;

182-3) attraction of appropriate specialists of state bodies, and if necessary, audit organizations and experts with payment of their services within the limits of funds, allocated for this from the republican budget, to execution of control;

182-4) submission of reports about the results of executed control measures to the Government of the Republic of Kazakhstan;

183) notification of the customer and authorized body on state procurements about fact of submission of unreliable information by qualification requirements by potential supplier not later than three working days from date of such fact establishment;

184) execution of control over activity of licensee by provision of them license requirements within competence, established by Customs code and legislation of the Republic of Kazakhstan about licensing;

185) execution of operational investigations in accordance with legislation of the Republic of Kazakhstan about operational investigations;

186) check of participants of foreign economic activity and other activity in the area of customs affairs;

187) provision of activity's safety of customs agencies, protection of official bodies of customs bodies and members of their families from unlawful acts in accordance with legislation of the Republic of Kazakhstan;

188) execution of measures on provision of protection of state border of the Republic of Kazakhstan in cooperation with National security structures and other appropriate state bodies;

189) collection, summary and analyse of statistical and operative information about execution of offences in the area of customs affair, including all facts of offences, which are on stage of checks, and also by which procedural decision was made;

190) execution of judicial acts, written orders of prosecutor, and also other persons of law enforcement bodies, rendering of assistance to them in production of separate proceedings within its competence;

191) control over compliance of usage of funds of the republican and local budgets by legislation of the Republic of Kazakhstan;

192) detection, restraint and non-admission of offences during usage of funds from the republican and local budgets in accordance with legislation of the Republic of Kazakhstan;

193) making decision about forfeiture of certificate about accreditation of professional organizational of accountants, professional audit organizations, organizations on professional certification of accountants;

194) control over observance of Standards of state financial control by services of internal control;

194-1) execution of control over authenticity and correctness of maintenance of accounting and reporting by control objects;

195) control over activity of state bodies and organization of all forms of ownership by issues, concerning fullness and timeliness of payment of non-tax incomes to appropriate budgets;

196) control over formation and usage of money from realization of goods (works, services), which are in their disposal, by state institutions;

197) control over execution of presentations, sent to objects of state financial control, and decisions, accepted by them by the results of control measures;

198) control over observance of legislation of the Republic of Kazakhstan about state procurements, if necessary, check of authenticity of reporting data, materials and information, submitted by subjects of system of state procurements;

198-1) control over observance of legislation about Kazakhstani content during state procurements;

199) control over observance of conditions and procedures for granting of budget credits, co-financing of concession projects, state guarantees, connected grants and assets of state;

199-1) organization, coordination and provision of execution of decisions of Inter-departmental commission by return and restructuring of loans, issued from the republican budget, and also funds, distracted from the republican budget within the frameworks of loans, guaranteed by state;

199-2) interaction with attorneys (agents) by loans, guaranteed by state, by issue of servicing and return of loans, guaranteed by state, and also timely execution of obligations by guarantees, issued by state;

199-3) development of projects of decrees of the Government of the Republic of Kazakhstan on approval of list of borrowers by loans, guaranteed by state, which repayment and servicing is stipulated in the republican budget on appropriate financial year;

200) control over intended usage of budget credit;

201) state control in the area of audit activity and activity of professional audit organizations;

201-1) state control in the area of accounting and financial reporting;

202) participation in control over execution of emergency state budget;

203) was excluded by the decree of the Government of the RK from 21.04.2009 N 562;

204) execution of unscheduled checks in order, stipulated by legislation of the Republic of Kazakhstan;

204-1) execution of methodological assistance to services of internal control, coordination of their activity, organization of preparation and upgrade of qualification of workers of services of internal control;

204-2) development and approval of standard qualification requirements for workers of services of internal control;

205) execution of tax control:

Registration of tax payers in tax authorities;

Acceptance of tax forms;

In-house audit;

Accounting of execution of tax obligation, obligation by calculation, deduction and transfer of compulsory pension contributions, calculation and payment of social contributions;

Monitoring of large tax payers;

Tax inspections;

Control over observance of order for usage of cash registers;

Control over excisable goods;

Control during transfer price formation;

Control over observance of order for accounting, storage, further usage and implementation of property, which became ownership of state;

Control over activity of authorized state and local executive agencies in part of execution of tasks on execution of functions, directed on execution of tax legislation of the Republic of Kazakhstan;

205-1) usage of risks management system;

205-2) determination of taxation objects and (or) objects, connected with taxation, on the basis of indirect methods (assets, obligations, turnover, expenses, expenditures), in case of breach of accounting order;

206) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

207) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

208) application of provisions of international contracts in order, stipulated by Tax code and corresponding to international contracts;

209) control over observance of legislation, stipulating fullness of tax incomings and other mandatory payments to budget;

210) control over incomings of non-tax payments within competence, established by normative legal acts;

210-1) submission to courts of actions in accordance with legislation of the Republic of Kazakhstan, including about liquidation of legal persons, by reasons, stipulated by sub-items 1), 2) and 4) of item 2 of article 49 of Civil code of the Republic of Kazakhstan;

211) state control during application of transfer prices, inspection by issue of price deviation from market price of goods (works, services), correction of taxation objects during establishment of fact of price deviation from market price;

212) execution of control, accounting and analyse of scopes of production and turnover of tobacco products;

213) execution of control over turnover of oil products by means of dispatch notes and declarations by manufacture and turnover of separate kinds of oil products;

214) control over equipment of technological lines for production of ethyl alcohol and filling line of alcoholic products by appropriate alcohol measuring devices and control devices for accounting, and also on oil-processing plants, bases of oil products and refueling stations of control devices for accounting;

214-1) rendering of state services in accordance with standards for rendering of state services;

215) control over compliance to summary plan of financing of individual financing plans of state institutions;

216) control over accuracy of money deposits from realization of goods (works, services) on control accounts of cash of commercial services of state institutions;

217) execution of inspection of individual financing plan by obligations and payments, summary plans of incomings and financing, summary plans of financing by obligations, references about making changes in individual financing plans, summary plans of incomings and financing, summary plan of financing by obligations, remittance orders, accounts payable, civil transactions on compliance to budget legislation, submitted by state institutions;

218) control over execution of operations by money expenditures from realization of goods (works, services);

219) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

220) execution of reception and check of quarter and annual reports of administrators of the republican budget programs about execution of financing plans by budget funds, by control accounts of cash of commercial services, sponsorship, philanthropic assistance, temporary placement of money and accounts in foreign currency;

221) stoppage of executed payments of state institutions during breach of the requirements of the Budget code of the Republic of Kazakhstan and other normative legal acts, determining order of budget execution, which acceptance was stipulated by the Budget code of the Republic of Kazakhstan;

222) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

223) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

224) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

225) was excluded by the decree of the Government of the RK from 21.04.2009 N 562 ;

226) prolongation of term of bankruptcy proceeding;

Note of RCLII

Sub-items 227) - 239) are put into operation since 09.03.2010.

227) execution of collection and processing of information about operations with money and (or) other property, which are exposed to financial monitoring, in accordance with Law of the Republic of Kazakhstan "On countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism";

228) execution of analysis of received information in the area of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

229) coordination of activity of state bodies in the area of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

230) sent of necessary information by operations with money and (or) other property, which is exposed to financial monitoring, by the request of criminal court, for resolution of materials, which are in procedure;

231) in case of existence of reasons, to think that operation with money and (or) other property, connected with legalization (laundering) of incomes, which were received illegally, and (or) financing of terrorism, sent of information to law enforcement agencies in accordance with its competence for making procedural decision;

232) participation in development and execution of program of international cooperation by issues of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

233) organization of formation and maintenance of the republican data base, and also provision of methodological integrity and coordinated operation of information systems in the area of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

234) development and execution of measures on prevention of breaches of legislation of the Republic of Kazakhstan about countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

235) summary of practice of usage of legislation of the Republic of Kazakhstan about countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism on the basis of information, received from state bodies and other organizations, and also development and making offers by its improvement;

236) study of international experience and practice of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

237) execution of measures on retraining and upgrade of staff qualification in the area of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

238) participation in activity of international organizations in the area of countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism;

239) determination of list of offshore zones for purposes of Law of the Republic of Kazakhstan "On countermeasures to legalization (laundering) of incomes, which were received illegally, and financing of terrorism" by agreement with state body, executing regulation and supervision of financial market and financial organizations;

240) executes coordination of state and branch programs, programs for development of territories in part of provision with scopes of budget financing;

241) works out offers on improvement of budget planning system;

242) executes methodological provision of budget planning system operation;

243) develops and approves single budget classification of the Republic of Kazakhstan, order of its execution, structure of specific characteristics of economic classification of expenses of budget;

244) determines form for execution of prediction for incomings and expenditures of money from realization of goods (works, services), which are remained in their disposal;

245) participates in development of prediction of social and economic development of the republic in part of development of prediction of budget parameters for 3 years;

246) works out offers on formation of tax, customs and budget policies;

247) organizes and provides activity of the Republican budget commission;

248) develops and approves methodology of prediction of budget's incomings;

249) executes predictions of consolidated, state and the republican budgets, National fund of the Republic of Kazakhstan;

250) considers budget applications of administrators of budget programs and prepares conclusions by them;

251) considers projects of strategic plans (projects on making changes and amendments in strategic plans) of state institutions, financing from the republican budget, projects of strategic plans (projects on making changes and amendments in strategic plans) of local authorized bodies on budget planning and budget execution;

252) develops projects of decrees of the Government of the Republic of Kazakhstan about implementation of law about the republican budget, about making changes and amendments in decree of the Government of the Republic of Kazakhstan about implementation of law about the republican budget on appropriate years;

253) develops emergency state budget;

254) makes offers on specification (correction of the republican budget);

255) develops and approves table for distribution of budget incomings between level of budgets and control account of cash of National fund of the Republic of Kazakhstan;

256) works out offers on certain sizes of individual tax rate on extraction of minerals by low-gain contracts;

257) participates in development of methodology for calculation of general transfers;

258) participates in development of project of law of the Republic of Kazakhstan about scopes of transfers between the republican and local budgets, budgets of city of republican status, capital on three years period;

259) executes methodological provision of monitoring and assessment of budget investment projects;

260) makes investment projects of administrators of budget programs on development or correction of feasibility report and execution of necessary expertises of feasibility reports to consideration of the Republican budget committee;

261) executes selection of investment projects for submission of state guarantees;

262) executes selection of concession projects for submission of state guarantees;

263) forms list of budget investment projects, development or correction, and also execution of necessary expertises of

feasibility reports, which executed due to funds of appropriate distributed budget program;

264) makes offers by co-financing of concession project from budget to consideration of the Republican budget committee;

365) executes consideration, selection and inclusion of concession projects to budget's project under the terms and conditions of co-financing;

266) determined limit of the governmental debt and debt of local executive body, limits for granting of state guarantees;

267) executes annual assessment of condition and prediction on future planned period of state debt and debt, guaranteed by state, debts by state's guarantees together with the National Bank of the Republic of Kazakhstan, authorized body by state planning;

268) carries out monitoring and assessment of implementation of budget investment projects;

269) executes assessment of implementation of budget programs during budget execution;

270) develops project of the decree of the President of the Republic of Kazakhstan on approval of single system of labour payment for workers of bodies of the Republic of Kazakhstan, supporting due to state budget and estimate (budget) of National Bank of the Republic of Kazakhstan.

Footnote. Item 11 with changes, made by decrees of the Government of the RK from 11.09.2008 N 846; from 21.04.2009 N 562; from 30.01.2010 N 42 (order of put into action see in item 4); from 31.03.2010 N 253.

3. Organization of activity of the Ministry

12. The Ministry has right during implementation of tasks, set to it, and execution of its functions, in established order:

To accept compulsory for execution normative legal acts within its competence;

To inquire and to get necessary information and materials from state bodies, organizations and their official bodies in order, established by legislation;

To execute other rights, stipulated by current legislative acts.

13. The Ministry is hosted by the Minister, assigned on position and dismissed by the president of the Republic of Kazakhstan.

The Minister has deputies (vice-ministers), assigned on position and dismissed by the Government of the Republic of Kazakhstan by recommendation of the Minister.

14. The Minister carries out the leadership by the Ministry and is personally responsible for execution of tasks, set to the Ministry, and execution of its functions by it.

15. The Minister:

1) determines obligations of its deputies;

2) assigns and dismiss workers of system of the Ministry in accordance with legislation, issues of labour relations to which its competence was related;

3) signs orders of the Ministry;

4) represents the Ministry in all state bodies and other organizations;

5) approves rules and regulations of work of the Ministry;

6) was excluded by the decree of the Government of the RK from 30.01.2010 N 42;

7) brings to the President of the Republic of Kazakhstan presentations about conferring of special ranks of highest senior officers to official bodies of customs authorities;

7-1) is personally responsible for countermeasures to corruption;

8) executes other powers, stipulated by legislation of the Republic of Kazakhstan;

Footnote. Item 15 is with changes, made by the decree of the Government of the RK from 30.01.2010 N 42.

16. Decisions, made by the Ministry, are executed by orders of the Ministry or person, acting as it.

17. Leadership by executive office of the Ministry is carried out by executive secretary, assigned and dismissed by the President of the Republic of Kazakhstan on agreement with Prime-Minister of the Republic of Kazakhstan.

18. Dismissal of the Government, the Minister does not lead to termination of powers of executive secretary.

19. Executive secretary is reporting to the President of the Republic of Kazakhstan, Prime-Minister, and Minister during execution of its activity.

20. Executive secretary:

1) provides implementation of policy in regulated areas of state management, forming by the Minister and provides execution of its orders;

2) executes leadership with executive office of the Ministry: organizes, coordinates and controls work of its subdivisions;

3) organizes information-analytical, organizational-legal, material-technical and financial provision of activity of the Ministry;

4) confirms structure and staff number of the Ministry, departments within limit of staff number of the Ministry, approved by the Government of the Republic of Kazakhstan after coordination with the Minister;

5) approves provisions about structural subdivisions of the Ministry after coordination with the Minister;

6) executes overall leadership under activity of disciplinary, certification and bidding committee of the Ministry, controls observance of performance and labour discipline, work of personnel department and organization of document flow;

7) organizes execution of state procurements with the purpose of activity of the Ministry and execution of tasks, set to it;

8) assigns and dismisses leaders of departments and management of the Ministry after agreement with the Minister;

9) coordinates the Minister's assignment of deputies of leaders of departments, represented for assignments as leaders of departments;

10) assigns and dismisses workers of the Minister, with the exception of workers, with whom issues of labour relations, are related to the competence of senior state bodies and official bodies;

11) on agreement with the Minister decides matters of detachment, dismissal, granting of financial aid, preparation (retraining), development of qualification, encouragements and payment of bonuses;

12) on agreement with the Minister decides matters of disciplinary responsibility of workers of the Ministry, with the exception of workers, with whom issues of labour relations, are related to the competence of senior state bodies and official bodies;

13) provides development of strategic and program documents of the Ministry, approved by the President of the Republic of

Kazakhstan, Government of the Republic of Kazakhstan and the Minister;

14) provides development and submits for approval to the leader of the Ministry annual working plan of the Ministry and annual report about results of its activity;

15) provides preparation of budget application of the Ministry, presentation of budget application to the Minister, which submits it to the Republican budget commission, and also execution of other procedures of budget process;

16) provides development and approves after the agreement with the Minister financing plans and financial reporting of the Ministry;

17) organizes development of regulations and standards for rendering of state services;

18) organizes development of projects of normative legal acts within the competence of the Ministry;

19) organizes preparation of conclusions by projects of normative legal acts, which came for agreement to the Ministry;

20) represents the Ministry in mutual relationships with state bodies or other organizations within its powers;

21) executes other powers, imposed on executive secretary by laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Item 20 is with changes, made by the decree of the Government of the RK from 21.04.2009 N 562 .

21. Executive secretary has right:

1) to issue mandatory commissions to workers of office of the Ministry;

2) to request and to get information, documents and materials, which are necessary for solution of issues, which are in the competence of executive secretary, from other state bodies and official bodies;

3) to accept legal acts of individual application.

22. Executive secretary is responsible for execution of obligations, incumbent on it in accordance with legislation of the Republic of Kazakhstan.

23. The Ministry has collegium, which is advisory-consultative body attached to the Ministry. Numeral and personal composition of collegium is approved by the Ministry among number of leaders of structural subdivisions of the Ministry.

24. Other issues of organization of activity of the Ministry, rights and obligations of official bodies, competence and powers of structural subdivisions, providing its activity, are established by the rules and regulations for work of the Ministry and provisions about structural subdivisions, approved by executive secretary after coordination with the Minister.

4. Property of the Ministry

25. The Ministry has solitary property on the basis of operational management.

Property of the Ministry is formed due to property, which was transferred to it by state, and also other property, which cost is reflected in balance of the Ministry.

26. Property, fixed at e Ministry, relates to the Republican ownership.

27. The Ministry has no right independently alienate or to disposal with property, fixed at it, and property, acquired due to funds, allocated to it by financing plan, unless otherwise provided by legislative act.

5. Reorganization and liquidation of the Ministry

28. Reorganization and liquidation of the Ministry is executed in accordance with legislation of the Republic of Kazakhstan.