*Regarding compliance with the legislation of the Republic of Kazakhstan on control of specific goods*

Control over specific goods in the Republic of Kazakhstan is regulated by the Law of the Republic of Kazakhstan «On Control of Specific Goods» *(the Law)*.

 Specific goods – dual-use and military goods, as well as goods controlled for national security *(subparagraph 14) of paragraph 1 of Article 1 of the Law)*.

 The list of specific goods was approved by order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated June 9, 2023 № 424 «On approval of the Control List of Specific Goods» *(Control List)*.

The export and import of specific goods is carried out on the basis of licenses in accordance with Articles 11 and 12 of the Law.

 The transit of specific goods in accordance with Article 13 of the Law is carried out on the basis of a transit permit.

 The authorized body in the sphere of control of specific goods and the licensor body is the Ministry of Industry and Construction of the Republic of Kazakhstan *(Ministry of Industry)*.

 Control over the movement of specific goods across the State Border of the Republic of Kazakhstan *(State Border)*, including with the member states of the Eurasian Economic Union (EAEU) is assigned to the state revenue authorities
*(paragraph 2 of Article 9 of the Law)*.

In accordance with paragraph 2 of Article 26 of the Law In order to prevent and suppress the illegal movement of specific goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, the state revenue bodies shall:

– request and receive from individuals and legal entities moving goods across the State Border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union, documents and information related to the goods being moved, established by the legislation of the Republic of Kazakhstan;

– involve state bodies of the Republic of Kazakhstan, organizations, experts and specialists to study issues that require special knowledge and skills;

– stop vehicles, conduct their examination, inspection at checkpoints on the State border of the Republic of Kazakhstan with the member states of the Eurasian Economic Union;

– develop, create, acquire and operate information systems, communication systems, data transmission systems, as well as means of protecting information in accordance with the legislation of the Republic of Kazakhstan;

– acquire, operate technical means of control of specific goods;

– produce documentation, video and audio recording, film and photography of facts and events in accordance with the legislation of the Republic of Kazakhstan;

– exercise other powers provided for by Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

In addition, paragraph 2 of Article 29 of the Law establishes that individuals and legal entities of the Republic of Kazakhstan exporting, re-exporting, importing, transiting specific goods, as well as foreign persons transiting specific goods, are required, at the request of the authorized body, state bodies of the system of control of specific goods, to provide documents and (or) information necessary for the performance by the said state bodies of the functions stipulated by the Law and the legislation of the Republic of Kazakhstan.

 For goods contained in the Control List, the results of identification in accordance with the Control List, or a conclusion on the identification of specific goods, are submitted to the state revenue authorities as a document confirming compliance with the control measures for specific goods.

 In this case, in cases where the goods are classified as specific, a license (transit permit) is required, and if the goods are not classified as specific, a license (transit permit) is not required.

 *Regarding liability for failure to comply with the legislation on control of specific goods when moving specific goods across the State Border*

For moving specific goods across the State Border, including across the State Border with the EAEU member states without a license (transit permit), liability is provided for under Articles 275, 286 of the Criminal Code of the Republic of Kazakhstan, as well as under Articles 463, 545 of the Code of the Republic of Kazakhstan «On Administrative Infractions».

 *Regarding the identification of goods in accordance with the Control List and the presentation of the results of such identification*

 Identification of goods *(i.e. determination of whether or not to classify them as specific goods)* is carried out in accordance with the Control List.

 In accordance with paragraph 1 of Article 10 of the Law, individuals and legal entities of the Republic of Kazakhstan intending to export, re-export, import, transit goods *(including software and technologies)* are required to identify them in accordance with the Control List.

 At the same time, in accordance with paragraph two of clause 1 of Article 10 of the Law, foreign persons intending to carry out transit in relation to goods *(including software and technologies)* are obliged to identify them in accordance with the Control List.

 In cases where unambiguous identification in accordance with the Control List is impossible, in accordance with clause 2 of Article 10 of the Law, individuals and legal entities of the Republic of Kazakhstan, foreign persons may apply to the Ministry of Industry for an opinion on the identification of specific goods (Opinion).

*The procedure for the provision of the public service «Issuance of an opinion on the identification of specific goods» and the list of documents for it are regulated by the order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated July 10, 2020 No. 394 «On approval of the Rules for the identification of specific goods».*

 Clause 4 of the Control List establishes that the decision on the identification and correlation of a particular product with dual or military use is determined by the technical parameters of the controlled products of this list.

 Identification of goods in accordance with the Control List **is the responsibility of individuals** **and legal entities** intending to export, re-export, import, transit goods, as well as foreign **persons intending** **to transit goods**.

 Additionally, we inform that in cases where it is necessary to obtain a license (permit for transit) of specific goods or a Conclusion, it is necessary to contact the Ministry of Industry, through the web portal www.elicense.kz, www.egov.kz «electronic government», using an electronic digital signature.