



On Railway Transport

Unofficial translation

The Law of the Republic of Kazakhstan dated 8 December 2001 No. 266.

Unofficial translation

Footnote. In the whole text of the Law, the words are substituted – by the Law of the Republic of Kazakhstan dated 9 July 2004 No. 596.

The Law regulates public relations between carriers, participants of carriage process, state bodies, passengers, senders, receivers, senders of cargo, receivers of cargo, other individuals and legal entities upon carrying out of carriage of passengers, luggage, cargos, cargo-luggage and postal matters by railway transport.

Chapter 1. General provisions

Article 1. Basic definitions used in the Law

The following basic definitions are used in the Law:

1) accident - cases of collision, derailment of rolling stock on railway tracks or railway tracks under public-private partnership agreements, including under concession agreements, as a result of which a person received serious health damage and (or) damaged rolling stock in the amount of overhaul;

1-1) recipient - a person who receives baggage, cargo luggage or postal items and is indicated in transportation documents;

1-2) crash - cases of collision, derailment of rolling stock on railway tracks or railway tracks under public-private partnership agreements, including under concession agreements, as a result of which a person died and (or) the rolling stock was damaged to the extent of its exclusion from inventory;

2) special rolling stock – self-propelled and non-propelled railway transport vehicles designed for performance of works on maintenance, service, restoration and repair of backbone railway network and approaching lines;

3) special transportations are transportations of special loads for the state needs and separate categories of passengers in the order determined by authorized body;

4) social important passenger service – communications, the social important of which shall be determined as follows:

interregional – authorized body;

inter-district (inter-city intra-oblast) and suburban – by local representative and executive bodies;

- 5) luggage – property with a weight no more than two hundred kilograms received for carriage in passenger or postal and luggage train;
- 6) locking and packing devices – control elements combined in the unified construction with blocking devices applied for prevention of an access to cargo, transferred in railcar, container;
- 7) booking office window – sales points of travel documents (tickets) located inside of the railway stations and outside of these buildings in which the services for selling travel documents (tickets) are rendered in accordance with requirements of the legislation of the Republic of Kazakhstan;
- 8) railcar – non-propelled trailing transport vehicle designed for carriage on rail tracks;
- 8-1) подача-уборка вагонов – перемещение вагонов маневровым локомотивом:
от станционных путей – к местам погрузки, выгрузки (разгрузки), подъездным путям;
на подъездных путях – между приемо-сдаточными (выставочными) путями и местами погрузки, выгрузки (разгрузки) контрагента;
- 9) railcar (container) operator – a person owning railcars (containers) as a property or on other legal grounds participated in carriage process on the basis of contract with a carrier by rendering services of railcar (container) operator and mentioned in carriage documents;
- 10) railcar (container) operator services – services for ensuring of distribution and traffic control of railcars (containers) in the manner established by the authorized body on a contractual basis;
- 10-1) station landside territory – territory adjacent to railway station with approaches and entrances to railway station, halt platforms of public and individual transport, parking places, parking areas, improvements;
- 11) large size (off-gauge) cargo – cargo the stowing dimensions of which upon placement on open rolling-stock being on direct flat of rail way exceeds the clearance outline of loading or its geometric gabs in traces exceeds design specifications established by the legislation of the Republic of Kazakhstan;
- 11-1) dispatching control – process of control and supervision of the operations of carriage process in a real time mode;
- 11-2) особо важные перевозки – статус, присваиваемый уполномоченным органом перевозкам железнодорожным подвижным составом, а также маршрутам (сообщениям) их следования при железнодорожных перевозках охраняемых лиц Республики Казахстан;
- 12) a passenger – an individual having travel document (ticket) and travelling in train;
- 13) passenger agency – a person rendering services for selling of travel documents (tickets) through his (her) sales points on the basis of contract with a carrier ensuring performance of requirements submitted to issuance of travel documents (tickets);

13-1) operator of locomotive traction in passenger traffic - a person who owns a traction vehicle (locomotive) used for passenger traffic on the basis of ownership or other legal grounds, ensuring its maintenance, operation;

14) automated control system of carriage of passengers – centralized control system of ridership and electronic seat booking;

15) arrangement of tracks – a set of main line, station tracks, pointworks connecting them together, technical equipment and devices located within the station and approaching lines;

16) a sender – a person sending luggage, cargo luggage or postal matters and mentioned in carriage documents;

17) cargo – property received under contract of carriage in goods train;

18) a sender of cargo – a person mentioned in carriage documents and receiving luggage;

19) cargo luggage – property with a weight more than two hundred kilograms received for carriage in passenger and postal and luggage train;

20) a sender of cargo – a person mentioned in carriage documents and sending the cargo;

21) sending of cargo – consignment of cargo represented to carriage under one railway bill of lading;

22) cargo terminal – a set of structures and technical equipment on approaching line designed for rendering of the complex of services for senders of cargo and receivers of cargo and carrying out of mixed carriage;

22-1) transit of cargo - transportation of cargo from one country to another through the territory of the Republic of Kazakhstan, during which the cargo arrives at the railway station of the Republic of Kazakhstan and (or) departs from the railway station outside the Republic of Kazakhstan with the performance of one or more of the following operations: parking, reloading, warehousing, cargo crushing, changing places, weight, quantity of cargo and mode of transport;

23) rolling stock – traction vehicles (locomotives), wagons, self-propelled and other railway vehicles intended for the carriage of passengers, baggage, cargo, cargo luggage, mail, as well as special rolling stock by rail;

23-1) flow capacity of the site of infrastructure means the maximum quantity of trains and steam of trains which can be passed on the site of infrastructure for the rated period of time (days) depending on technical and technological capabilities of infrastructure, the rolling stock and ways of the organization of train service taking into account the admission of trains of different categories;

24) container – universal transport equipment of repeated use designed for cargo carriage;

25) contracting party – a person owning stockpiles, places for storing cargo, cargo handling equipment and (or) approaching lines connecting to approaching lines of other railroad branch owner or employing services of approaching lines as a property or on other legal grounds;

26) excluded by the Law of the Republic of Kazakhstan dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of its first official publication);

27) excluded by the Law of the Republic of Kazakhstan dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication);

28) excluded by the Law of the Republic of Kazakhstan dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication);

29) approaching lines – rail tracks designed for serving of senders of cargo, receivers of cargo and connecting to main line and (or) station tracks immediately or through other approaching lines;

30) services of approaching lines – services of a railroad branch owner on providing approaching lines for use or servicing of senders of cargo and receivers of cargo by him (her);

31) acceptance (exhibition) tracks – rail tracks within the station or on approaching line for performance of acceptance operations determined by the contract on spotting-picking of railcars;

32) acceptance operations – actions performed upon receipt (transfer) of cargo, railcars, containers drawn up documentarily in established manner;

32-1) safety certificate – a document certifying the compliance of the carrier's safety management system with the safety rules for railway transport;

32-2) safety management system – a set of interconnected and interacting management components of the carrier, covering the planning, preparation and execution of operations, monitoring, control, analysis and aimed at ensuring compliance with the established requirements for safety of transportation process and reducing the risk of harm to human life or health, the environment, damage to property of participants in transportation process and third parties;

32-3) audit of safety management system – a systematic process of diagnostics and assessment of compliance of safety management system with the requirements established in safety rules for railway transport;

33) hazardous cargo – cargo that may serve as a reason of death, traumatizing or diseases of people, animals, explosion, fire, damage or destruction of property, as well as inflict harm to environment in virtue of the properties being inherent to them;

34) cabin luggage – personal property carried by a passenger in a railcar without payment, not exceeding established sizes of weight and dimensions;

35) objects of locomotive infrastructure – objects designed for ensuring of operation and gear of towing rolling stock and servicing of locomotive brigades;

36) operator of locomotive infrastructure – a person owning the objects of locomotive infrastructure as a property or on other legal grounds and rendering services for operators of locomotive traction;

37) locomotive traction operator - a person who owns a traction vehicle (locomotive) on the right of ownership or on other legal grounds, ensuring its maintenance, operation, except for a locomotive traction operator in passenger traffic;

38) locomotive traction services – services for movement of rolling stock by towing transport vehicle (locomotive) on rail tracks;

39) main line tracks – rail tracks designed for functioning of railway transport in the whole territory of the Republic of Kazakhstan and ensuring of railway communication with other states, comprising of backbones (span tracks between railroad stations, tracks within borders of stations being immediate continuation of the tracks of adjoining spans and not having deviations on pointworks as a rule), as well as receiving-departure tracks (tracks designed for receipt, departure, overtaking, crossing and handling of trains within the borders of station);

40) backbone railway network – system of main line and station tracks adjoining together, as well as objects of electric power supply, heat supply, water supply, signal arrangement, communication, devices, equipment, buildings, constructions, structures, railway stations and other objects being technically required for their functioning, ensuring international and inter-republican railway communications;

41) services of backbone railway network – services rendered for carriers by the National operator of infrastructure linked with the use of backbone railway network for handling and movement of trains;

42) *is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

43) shunting operation – movement of railcars upon their handling, classifying, detaching, spotting-picking for loading, unloading, on track (from track) of repair, on weighing, upon collection, breaking up of trains; rearrangement of rolling stock from one track to another, movement of locomotives within the station, movement of special rolling stock, towing transport vehicles (locomotives or motor-coach rolling stocks);

43-1) railway tracks under contracts of public-private partnership, including under contracts of concession, are the railway tracks constructed and operated under contracts of public-private partnership, including under contracts of concession, and not included in the high-level railway system;

43-2) objects of railway transport under contracts of public-private partnership, including under contracts of concession, are the objects constructed and operated under contracts of public-private partnership, including under contracts of concession, and not included in the high-level railway system;

43-3) services of railway tracks with objects of railway transport under contracts of public-private partnership, including under contracts of concession, – services in granting in

use of the railway tracks with objects of railway transport constructed and operated under contracts of public-private partnership, including under contracts of concession, and the organization of the admission of the rolling stock for them;

43-4) event - cases of collision, derailment of rolling stock on railway tracks or railway tracks under public-private partnership agreements, including under concession agreements, but not having the consequences of an accident and crash;

43-5) incident - cases of traffic safety violations that did not entail a crash, an accident and an event on railway tracks or railway tracks under public-private partnership agreements, including concession agreements, the list of which is determined by safety rules for railway transport;

44) operational documentation – documentation providing procedure for operation of objects of infrastructure, constructions, rolling stock, special rolling stock, constructions, equipment and inventory of railway transport;

45) train – collected and coupled formation of railcars with one or several operating towing transport vehicles (locomotives or motor-coach rolling stocks) having established signals, locomotives without railcars, motor railcars and special self-propelled rolling stock, following through route determined by the National operator of infrastructure;

45-1) the plan of formation of trains is the document approved by the national operator of infrastructure on the basis of drafts of the plan of formation of trains of carriers, including establishing categories and purposes of the trains formed at railway stations taking into account the capacity of sites of the high-level railway system and the overworking ability of stations;

46) heavy cargo – cargo the mass and length or load on frame (floor) of railcar of which exceeds the size allowed upon carriage on universal rolling stock established by technical conditions of loading and securing of cargo;

47) station tracks – railway tracks within the borders of station: classifying, loading and unloading, draw-out, engine, crossover, special tracks, with the exception of main line tracks within the borders of stations;

48) railroad branch owner – a person owning railway approaching line as a property or on other legal grounds;

49) carriage – transfer of passengers, luggage, cargo luggage, postal matters, cargo from point of departure to the point of destination;

49-1) user of services for carriage – a passenger, sender of cargo (sender), receiver of cargo (receiver), forwarding merchant;

50) term of transportability – the maximum possible term of perishable luggage, cargo, cargo luggage on the way proceeding from data mentioned in certificate (quality certificate);

51) rules of carriage – regulatory legal acts regulating the activity and relations of all the participants of carriage process;

52) carriage documents – documents upon drawing up of which, the contract of carriage (travel document (ticket), luggage and cargo luggage check, railway bill of lading);

53) carriage process – set of organizational and technologically interrelated operations performed upon training, carrying out and termination of carriage by railway transport;

54) a participant in transportation process - a user of transportation services, a carrier, a national infrastructure operator, a locomotive traction operator, a locomotive traction operator in passenger traffic, an operator of wagons (containers), a branch owner, as well as an owner of railway tracks under public-private partnership agreements, including number under concession agreements;

54-1) safety of carriage process (hereinafter – traffic safety) – absence of inadmissible risk upon performance of operations of carriage process with infliction of harm for life, health of human, environment, infliction of damage to property of participants of carriage process and third parties, in recognizing combination of probability of realization of hazardous factor and severity level of its consequences;

54-2) a carrier – a person carrying out the activity on carriage of cargo or passengers, luggage, cargo luggage, postal matters and mentioned in carriage documents owning rolling stock as a property or on other legal ground, including towing transport vehicles;

55) perishable luggage, cargo, cargo luggage – luggage, cargo, cargo luggage having limited shelf life and requiring special conditions of carriage and storage;

55-1) class of railway station – status of railway station determined depending on volume of performed works (rendered services) and equipment capability;

56) railway station – complex of buildings, constructions (including passenger platforms, station passages and station landside territory) and other types of property designed for rendering of services of population on carriage by railway transport and acceptance-dispensing of luggage, cargo luggage depending on the class;

57) rail tracks – objects of immovable property (main line, station tracks, approaching lines) on which the movement of rolling stock is carried out;

58) railway transport – type of transport ensuring carriage on rail tracks;

59) *is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

60) protective zones of railway transport – land plots being necessary for safety ensuring of carriage, preservation, reliability and stability of constructions, devices and other objects of railway transport;

60-1) support service of railway transport – individual or legal entity that is not participant of carriage process and rendering services for projecting, production, technical maintenance, repair and utilization of objects of infrastructure, constructions, rolling stock, special rolling stock, constructions, equipment and inventory of railway transport;

61) railway communication – carriage of passengers, luggage, cargo, luggage cargo and postal matters by railway transport between points of departure and destination;

62) railroad station – point separating main lines on fields, having arrangement of tracks, ensuring traffic arrangements, crossing capacity and enabling to perform operations on receipt, departure and (or) crossing, overtaking of trains, servicing of passengers, receipt, dispensing of luggage, cargo luggage, postal matters and (or) cargo, as well as shunting operation;

62-1) temporary balancing fee - expenses of the National Freight Carrier aimed at supporting passenger traffic;

63) the authorized body – central executive body carrying out management in the scope of railway transport, as well as within the ambit provided by the legislation of the Republic of Kazakhstan, - cross-sector coordination;

64) National carrier of passengers is the legal person determined by the Government of the Republic of Kazakhstan, rendering services in transportation of passengers, baggage, cargo baggage, mailings, providing implementation of the plan of formation of trains on all high-level railway system including on special and military transportations;

64-1) National carrier of freights is the legal person determined by the Government of the Republic of Kazakhstan, who is rendering services in transportation of goods, including carrying out special and military transportations, providing implementation of the plan of formation of trains on all high-level railway system;

64-2) National infrastructure operator - a legal entity, the controlling stake of which belongs to the national management holding or the National Railway Company, which operates, maintains, modernizes, builds the main railway network and provides services of the main railway network, as well as provides priority support for military transport;

65) The national railway company is the joint-stock company created according to the decision of the Government of the Republic of Kazakhstan which controlling stake the national operating holding owns, defining the general directions of development and providing coordination of activities of the National operator of infrastructure, the national carriers and other affiliated legal entities which are carrying out activity in the field of railway transport including on comprehensive ensuring military transportations;

66) forwarding merchant – a person rendering services for organization of cargo carriage that may be stated in carriage documents as a payer of carriage on the basis of freight forwarding contract.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 12.01.2012 No. 538-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication); dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first

official publication); dated 04.12.2015 No. 435-V (enters into force with 01.01.2016); dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication); dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication); dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 295-VI (shall be enforced from 01.01.2020).

Article 2. State policy and principles of functioning of railway transport

Footnote. Title of Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Functioning of railway transport shall be carried out on the basis of the following principles:

1) preservation and strengthening of unified social economic space of the Republic of Kazakhstan;

2) concurrence of functioning of the unified transport system of the Republic of Kazakhstan;

3) preservation of integrity and continuity of functioning of railway transport infrastructure;

4) ensuring of safety, regularity and continuity of carriage process;

5) free access of all the subjects of transport market to rendering and receipt of railway transport services;

6) protection of economic interests of the Republic of Kazakhstan;

7) application of unitary standard of legal and economic guarantees for all the participants of carriage.

2. State policy in the field of railway transport is oriented to creation of conditions for satisfying needs of population and state in carriage. The purposes of state policy in the field of railway transport are:

1) development of backbone railway network and rolling stock of railway transport;

2) development of carriage;

3) safety ensuring of railway transport and processes of its life circle for life and health of human and environment;

4) carrying out of tariff, tax and customs policy on railway transport in accordance with the legislation of the Republic of Kazakhstan;

5) creation of conditions for business development and attraction of private investments on railway transport and prevention of illegal intervention of public authorities in economic activity;

6) development of business competition, as well as in the field of international carriage;

- 7) preservation of single property complex of backbone railroad network;
- 8) environmental protection;
- 9) maintenance of mobilization readiness of railway transport;
- 10) assistance in development of import-substituting production for the needs of railway transport;
- 11) extension of transit and international carriage;
- 12) ensuring of a balance of the interests of state, participants of carriage process and support service of railway transport;
- 13) development of transport-logistic system and increase of transport flows of cargo on railway tracks.

3. Implementation of state policy in the field of railway transport shall be assigned on the authorized body and other state bodies in accordance with the competence.

Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 No. 376-V (enters into force with 01.01.2016).

Article 3. Grounds of organizing carriage of passengers, luggage, cargo, cargo luggage and postal matters on railway transport

1. Transportations of passengers, baggage, freights, cargo baggage and mailings by rail are made in an order and on the conditions established by authorized body.

1-1. Participants of carriage process shall plan, organize and perform operations of carriage process in accordance with concluded contracts, rules of carriage, access rules and rendering of services of infrastructure, this Law, international Laws of the Republic of Kazakhstan.

2. A carrier shall not have the right to refuse in carriage to users of services who paid and drawn up carriage documents in a proper manner for travel or carriage of luggage, cargo, cargo luggage and postal matters except for the cases provided by this Law and international treaties ratified by the Republic of Kazakhstan.

3. Participants in transportation process who do not have their own rolling stock use the services of a locomotive traction operator, a locomotive traction operator in passenger traffic and an operator of wagons (containers) on the basis of a contract.

Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of

ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 4. Legislation of the Republic of Kazakhstan on railway transport

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Legislation of the Republic of Kazakhstan on railway transport is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty ratified by the Republic of Kazakhstan established other rules than those contained in this Law, the regulations of international treaty shall be applied.

2-1. Upon international communication, the drawing up of documents shall be carried out in accordance with contracts (agreements) in the scope of cooperation of rail ways in international passenger and cargo railway communication.

3. Special aspects of organization, ensuring and performance of military and special carriage shall be regulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.12.2013 No. 152-V (shall be enforced from 01.01.2014).

Article 5. Objects of railroad transport of common and private use

1. Backbone railway network shall not be subject to privatization and shall be transferred to the national management holding on conditions and in the manner established by the Government of the Republic of Kazakhstan for transferring to the National railway company with the following transfer to the National operator of infrastructure.

Main line, station tracks and other objects of backbone railway network being in the state ownership shall be transferred to the national management holding on conditions and in the manner established by the Government of the Republic of Kazakhstan for transfer to the National railway company with the following transfer to the National operator of infrastructure.

2. The railway tracks which are not relating to the high-level railway system can be objects of private use and be in a private property, including on the basis of contracts of public-private partnership, including contracts of concession.

3. On railway tracks and objects of railway transport under contracts of public-private partnership to the private partner, including in contracts of concession to the concessionaire,

the rights of possession and use for period of validity of contracts of public-private partnership, including contracts of concession are transferred.

Railway tracks and objects of railway transport under contracts of public-private partnership, including under contracts of concession, can't be included in structure of the high-level railway system before the termination of period of validity of contracts of public-private partnership, including contracts of concession.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 07.07.2006 No. 168 (shall be enforced from the date of its official publication); dated 05.07.2008 No. 66-V (the order of enforcement see Article 2); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 12.01.2012 No. 538-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V shall be enforced upon expiry of ten calendar days after its first official publication); dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication).

Article 5-1. Classification of railway tracks

The procedure for classifying railway tracks shall be established by the authorized body depending on combination of freight traffic density and maximum allowed travel speeds of passenger and freight trains.

Footnote. The Law is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5-2. Special aspects of management of the National railway company and main line railway network

1. Alienation to individuals and (or) legal entities, encumbrance of rights of third parties of main backbone railway network transferred to the National operator of infrastructure, as well as shares of stock of the National operator of infrastructure shall be prohibited.

2. Alienation of shares of stock of the National railway network shall be prohibited to the national management holding, in the result of which less than ninety percent and plus one voting share of the National railway company shall belong to the national management holding.

Footnote. The Law is supplemented by Article 5-2 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2014 No. 225-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 6. Backbone railway network

1. Carriers shall carry out carriage on backbone railway network in accordance with the Rules of using backbone railway network.

2. Carrier shall contribute payment to the National operator of infrastructure for services of backbone railway network in amount established in accordance with the legislation of the Republic of Kazakhstan.

3. Right of access to services of backbone railway network shall be provided by the National operator of infrastructure. The National operator of infrastructure shall be obliged to ensure non-discriminatory access to the services of backbone railway network and provide equal right of using backbone railway network to carriers.

Procedure for providing access to services of backbone railway network shall be determined by the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

4. The National operator of infrastructure shall carry out operation, maintenance and modernization, construction of backbone railway network.

Construction of new main ways is carried out according to the decision of authorized body.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change made by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication).

Article 6-1. Responsibility for violation of obligations arising upon use of backbone railway network

In case of non-fulfillment of improper fulfillment of obligations arising upon using backbone railway network, parties shall bear responsibility on the grounds and in amounts established by the Civil Code of the Republic of Kazakhstan, international treaties of the Republic of Kazakhstan, rules of using backbone railway network, as well as contracts concluded on their basis.

Footnote. The Law is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 09.07.2004 No. 596; as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6-2. Types of railway communication

1. Railway communication shall be divided into the following types:

- 1) carriage of passengers, luggage, cargo luggage and postal matters;
- 2) cargo carriage.

2. Carriage of passengers, luggage, cargo luggage and postal matters shall be divided into:
1) international – carriage between the Republic of Kazakhstan and foreign states or transit through the territory of the Republic of Kazakhstan;

2) inter-republican – carriage between stations of departure and destination, located in the territory of the Republic of Kazakhstan.

3. On administrative territorial basis, inter-republican carriage of passengers and luggage shall be divided into:

1) inter-oblast – carriage carried out between stations of departure and destination being in different oblasts, or adjoining inhabited localities with bodies of republican significance, the capital;

2) inter-district (inter-city intra-oblast) – carriage between stations of departure and destination being within one oblast;

3) suburban – carriage on the routes adjoining a city with an inhabited locality within approved borders of suburban zones in the relevant territories.

4. Cargo carriage shall be divided into:

1) international - transportation between the Republic of Kazakhstan and foreign states or transit of cargo;

2) inter-republican – carriage between railroad stations of departure and destination located in the territory of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 6-2 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 7. Termination of railway communication

The termination of railway communication on the railway tracks which are state ownership is carried out by authorized body in the order established by authorized body.

Footnote. Article 7 in edition of the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication).

Article 8. Contracts on railway transport

1. Compulsory conditions of contracts of carriage shall be determined by the Civil Code of the Republic of Kazakhstan, this Law and rules of carriage issued in accordance with them. Parties are free in determination of other conditions of contracts of carriage.

2. The relationship of the National Railway Company, the operator of locomotive traction in passenger traffic and carriers with government authorities when organizing the

transportation of passengers shall be carried out on the terms of agreements in accordance with the legislation of the Republic of Kazakhstan.

2-1. Contracts for subsidizing of a rate of remuneration when crediting and financial leasing for acquisition of carriages consist in writing on the basis of the standard contract approved by authorized body.

2-2. Agreements for long-term subsidizing of the costs of the operator of locomotive traction in passenger traffic on socially significant messages shall be concluded in writing. Agreements for long-term subsidizing of the carrier's costs related to the transportation of passengers on socially significant messages shall be concluded in writing on the basis of a standard agreement approved by the authorized authority.

If the contract specified in the first paragraph of this paragraph is terminated in accordance with the legislation, the authorized body and local Executive bodies of regions, cities of Republican significance, and the capital may determine a new carrier that transports passengers on socially significant messages and ensures the fulfillment of obligations to repay credit funds and pay financial leasing for the purchase of passenger cars.

The procedure for determining the carrier specified in the second paragraph of this paragraph is established By the rules for conducting a tender based on an open tender for determining carriers that carry out railway transportation of passengers on socially significant messages, whose expenses are subject to long-term subsidization from budget funds.

2-3. The authorized authority and (or) local executive authorities of regions, cities of republican significance, the capital may conclude agreements on the following obligations:

1) long-term subsidizing of the costs of the operator of locomotive traction in passenger traffic on socially significant routes in accordance with the legislation of the Republic of Kazakhstan;

2) long-term subsidizing of the carrier's costs related to the transportation of passengers on socially significant routes, in accordance with the legislation of the Republic of Kazakhstan;

3) determination of the carrier specified in part two of Paragraph 2-2 of this Article;

4) other obligations provided by this Law and other legislation of the Republic of Kazakhstan.

2-4. Agreements for subsidizing the coupon rate on the carrier's bonds issued for development of the main railway network and rolling stock of railway transport shall be concluded in writing on the basis of a standard agreement approved by the authorized authority.

Subsidizing the coupon rate on the carrier's bonds issued for development of the main railway network and rolling stock of railway transport shall be carried out in the manner determined by the authorized authority.

3. A carrier shall be obliged to perform written instructions (decisions) of state bodies on carrying out of carriage of especial importance declared in accordance with their competence.

The relevant instructions (decisions) shall contain details on procedure and terms of calculating for such carriage.

4. Carriage of passengers, luggage, cargo and cargo luggage by railway transport in international communication and in transit shall be carried out in accordance with the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

The military transportations outside the Republic of Kazakhstan made within the international agreements, contracts (contracts) which participant is the Republic of Kazakhstan are carried out by legal entity (forwarding agent) which controlling stake the National railway company owns.

5. Operator of locomotive traction shall render locomotive traction services on the basis of contracts and in the manner established by the authorized body.

Operator of locomotive traction shall enjoy the services of an operator of locomotive infrastructure in accordance with the contract.

The operator of locomotive traction shall be obliged to provide locomotive traction services principally to the national carriers for performance of special and military carriage.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 No. 494-V (enters into force after ten calendar days after day of his first official publication); dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication); dated 27.12.2019 № 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 9. State registration (re-registration) of rolling stock and its pledge, exclusion from the State register of rolling stock

Rolling stock and rolling stock pledge shall be subject to mandatory state registration (re-registration) in the manner determined by the authorized authority.

For the state registration (re-registration) of rolling stock and its pledge, a fee shall be levied in the manner and amount determined by the Code of the Republic of Kazakhstan "On taxes and other mandatory payments to the budget" (Tax Code).

The rolling stock that has passed the state registration (re-registration) shall be subject to entry into the State Register of Rolling Stock. Exclusion from the State Register of rolling stock shall be carried out in the manner determined by the authorized authority.

Footnote. Article 9 is in the wording by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 10. Licensing

Footnote. Article 10 is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 11. Confirmation of conformance

1. Confirmation of conformance of production related to the activity of railway transport shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. Document in the scope of confirmation of conformance issued by foreign state shall be considered as valid in the Republic of Kazakhstan upon condition of its recognition in the state system of technical regulation in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. Tariffs and payment

1. Service prices of the National operator of infrastructure and service of railway tracks with objects of railway transport under contracts of public-private partnership, including under contracts of concession, are established according to the legislation of the Republic of Kazakhstan.

2. The authorized body establishes limits of the prices (tariffs) for services in transportation of passengers according to socially important interregional messages. Local executive bodies establish limits of the prices (tariffs) for services in transportation of passengers on socially important interdistrict (long-distance intraregional) and to suburban messages.

2-1. Expenses of the carrier rendering services in transportation of passengers in socially important messages on all transit are subsidized at the expense of budgetary funds according to the budgetary legislation of the Republic of Kazakhstan.

2-2. Remuneration rates when crediting and financial leasing for acquisition of cars are subsidized at the expense of budgetary funds for all term of crediting or financial leasing according to the legislation of the Republic of Kazakhstan.

3. Rules of applying tariffs (carriage charge) for carriage in international communication shall be established by international treaties of the Republic of Kazakhstan.

Note of RLLI!

Paragraph 4 shall remain in force before 01.01.2021 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2019 № 295-VI.

4. The temporary balancing fee shall be set by the state authority in charge of natural monopoly spheres, when forming the limit levels of prices for locomotive traction services and shall be directed to:

- 1) operator of locomotive traction in passenger traffic;
- 2) National infrastructure operator.

The rules for calculating and paying the temporary balancing fee shall be developed and approved by the state authority in charge of natural monopolies, in agreement with the authorized authority.

The rules for calculating and paying the temporary balancing fee contain a list of expenses that shall be taken into account when forming the temporary balancing fee.

The source of the temporary balancing fee shall be the income of the National Freight Carrier from activities related to the carriage of goods by rail in transit traffic through the territory of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596 (the enforcement see Article 2); dated 20.12.2004 No. 13 (shall be enforced from 1 January 2005); dated 05.07.2008 No. 66-IV (the order of enforcement see Article 2); dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication); dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication); dated 09.04.2016 No. 494-V (an order of enforcement see Art. 2); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 13. Cession of rights of demand to carriage

In case of contributing prepayment for cargo carriage that is not carried out (carried out not in full volume) by the reasons depending on a sender of cargo, the latter shall have the right to return of monetary funds or to cession of a right of demand to the carriage.

Chapter 2. Management on railway transport

Article 14. State management on railway transport

1. Competence of the Government of the Republic of Kazakhstan in the field of railway transport shall include:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) determination of the status of the National railway company;

3) - 14) excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication);

15) taking decisions on prohibition of transit passenger communication in the territory of the Republic of Kazakhstan;

15-1) iexcluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication);

16) taking decisions on restriction of carriage, on prohibitions on coming in, coming out, transit of luggage, cargo and cargo luggage to the territory (from the territory) of the Republic of Kazakhstan;

17) - 22-4) excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (enters into force after ten calendar days after day of his first official publication);

23) performance of other functions imposed on it by the Constitution, Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

2. Competence of the authorized body shall include:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

2-1) approval of rules of implementation of especially important transportations;

3) the approval of the list of station ways, objects of power supply, the alarm system, communication, devices, the equipment, buildings, structures, constructions and other objects technologically necessary for functioning of the high-level railway system, in coordination with the public authority performing management in spheres of natural monopolies;

4) approval of the Rules of technological interaction of participants of carriage process;

5) the state control of observance by natural and legal entities of requirements of the regulations of the Republic of Kazakhstan defining an order of functioning of railway transport, identification and taking measures to suppression of their violations;

6) development of the procedure for state registration of rolling stock;

7) determination of the procedure and measures of ensuring obligations according to the contracts for organizing carriage and (or) performance of services linked with carriage;

8) suspension and termination of operation of the objects of backbone railway network, railway tracks and rolling stock, the condition of which is inconsistent with established traffic safety requirements and environmental protection;

- 9) approval of the list of cargo being subject to accompaniment of paramilitary security service upon carriage by railway transport;
- 10) carrying out of international cooperation;
- 11) is excluded by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 12) approval of the procedure for awarding employees of railway transport by badge of professional merit;
- 13) formation of statistical information on violations of traffic safety requirements;
- 14) consideration of questions on administrative infractions within the competence;
- 15) approval of instruction on signal arrangement on railway transport;
- 16) determination of the procedure for rendering of services of forwarding merchant;
- 17) determination of the procedure for rendering of railcar (container) operator services;
- 18) determination of the procedure for rendering of locomotive traction services;
- 19) approval of the rules for technical operation, maintenance and repair of railway tracks;**
- 19-1) development and approval of rules for inclusion and exclusion of mainline, station tracks and other objects of the main railway network from the list of mainline, station tracks and other objects technologically necessary for the functioning of the mainline railway network;**
- 20) the approval of the list of the operations entering services of the high-level railway system in coordination with the public authority performing management in spheres of natural monopolies;
- 21) the approval of the list of the operations entering services of access roads in coordination with the public authority performing management in spheres of natural monopolies;
- 22) approval of the list of classifying rolling stock, special rolling stock;
- 23) approval of instruction on traffic of trains and shunting operation on railway transport;
- 24) approval of the rules for extending the service life of rolling stock;**
- 25) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 26) approval of the Rules on determining the size, regime of using lands of protective zones and use of lands for the needs of railway transport in the right of way;
- 26-1) approval of the Rules of organizing sale of travel documents (tickets) on railway transport in the Republic of Kazakhstan;
- 27) approval of the rules for technical operation, maintenance and repair of level crossings ;**
- 28) approval of the list of offices (professions) of employees of state control on railway transport having the right of bearing official uniforms (without shoulder straps), its samples, procedure for wearing and badges of ranks;

29) approval of the procedure for maintaining records and provision of reporting on carriage of passengers, luggage, cargo luggage, cargo and on use of rolling stock upon carriage;

30) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

31) participation in investigation of railroad wrecks, accidents on railway transport in the territory of the Republic of Kazakhstan;

32) approval of the terms linked with train traffic;

33) determination of procedure and conditions of hitching and plying of rolling stock in formation of passenger trains;

33-1) development and approval of the rules for long-term subsidizing of the costs of the operator of locomotive traction in passenger traffic on socially significant routes;

33-2) development and approval of a methodology for determining the scope of long-term subsidizing of the costs of the operator of locomotive traction in passenger traffic on socially significant routes;

34) excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (enters into force with 01.01.2015);

34-1) the approval of technical and technological standard norms of expenses of raw materials and materials, spare parts, the equipment, fuel, energy, technical losses of subjects of natural monopoly on railway transport;

34-2) approval of the list of railway stations according to their class;

34-3) a statement in coordination with the central authorized body on budget planning of natural norms of providing workers of the state control on railway transport a uniform (without shoulder strap);

34-4) definition of an order of providing with the militarized protection of freights in transit by rail;

34-5) definition of the list of socially important passenger interregional traffics;

34-6) definition of a procedure of special transportations;

34-7) the approval of the list of the main ways entering the high-level railway system;

34-8) the approval of rules of transfer to structure of the high-level railway system of the objects constructed at the expense of means of natural and legal entities;

34-9) the approval of rules of the organization of transportations of passengers in interregional and international messages;

34-10) approval of instructions for use high-level railway system;

34-11) the approval of safety rules on railway transport;

34-12) approval of rules of technical operation of railway transport;

34-13) the approval of the qualification requirements imposed to activities for transportation of goods by railway transport;

34-14) excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 No. 479-V (enters into force after twenty one calendar days after day of his first official publication);

34-15) approval of the rules for carriage of passengers, baggage, cargo luggage and postal items by railway transport;

34-16) the approval of rules of access to an automated control system for passenger traffic and technological interaction at the organization of sale of travel documents (tickets);

34-17) the approval of rules of finding of passengers, citizens and placement of objects in zones of the increased danger of railway transport, carrying out in them works, journey and transition through railway tracks;

34-18) development and the approval of rules of holding a competition on the basis of an open tender by definition of the carriers transporting passengers according to socially important messages which expenses are subject to long-term subsidizing at the expense of budgetary funds;

34-19) development and the approval of rules of long-term subsidizing of the expenses of carrier connected with implementation of transportations of passengers according to socially important messages;

34-20) approval of rules of the organization of activity of railway stations;

34-21) statement of a technique of definition of a class of railway stations;

34-22) development and the statement of a technique of determination of limits of the prices (tariffs) for services in transportation of passengers according to socially important messages;

34-23) development and the statement of a technique of determination of volumes of long-term subsidizing of expenses of the carriers transporting passengers according to socially important messages;

34-24) the approval of technical regulations to subjects to technical regulation on railway transport and to processes of his life cycle;

34-25) definition of an order of interaction of the National railway company and carriers with public authorities at implementation of transportations;

34-26) development and the adoption of the standard contract for long-term subsidizing of the expenses of carrier connected with implementation of transportations of passengers according to socially important messages;

34-27) development and the approval of rules of subsidizing of rates of remuneration when crediting and financial leasing for acquisition of cars by carriers of passengers according to socially important messages and operators of cars (containers);

34-28) development and the adoption of the standard contract for subsidizing of a rate of remuneration when crediting and financial leasing for acquisition of cars by carriers of passengers according to socially important messages and operators of cars (containers);

34-29) subsidizing of rates of remuneration when crediting and financial leasing for acquisition of cars by carriers of passengers according to socially important messages and operators of cars (containers);

34-30) maintaining the State register of the rolling stock;

34-31) consideration of draft documents on standardization within the competence, as well as preparation of proposals for the development, modification, revision and abolition of national and international standards, national classifiers of technical and economic information and recommendations for standardization for submission to the authorized body in the field of standardization;

34-32) issuance of a safety certificate;

34-33) approval of the rules for carriage of goods by railway transport;

34-34) approval of the rules for investigating traffic safety violations on railway transport;

34-35) approval of the form of safety certificate;

34-36) approval of the rules for development of unified technological processes for operation of access roads and abutment stations;

34-37) approval of model contracts between the carrier and forwarder on organization of the carriage of goods by railway transport;

34-38) approval of the rules for technical operation, maintenance and repair of artificial structures;

34-39) approval of the rules for technical operation, maintenance and repair of rolling stock;

34-40) development and approval of the rules for subsidizing coupon rates on carrier bonds issued for development of the main railway network and rolling stock of railway transport;

34-41) development and approval of a standard agreement for subsidizing the coupon rate on the carrier's bonds issued for development of the main railway network and rolling stock of railway transport;

35) performance of other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

3. Competence of local representative bodies of oblasts, cities of republican significance and the capital in the field of railway transport shall include:

1) approval of the list of social important passenger, inter-district (inter-city intra-oblast) and suburban service;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) carrying out of other powers on ensuring of rights and legal interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

4. Competence of local executive bodies of oblasts, cities of republican significance, the capital in the field of railway transport shall include:

1) taking decisions on organizing carriage of passengers in inter-district (inter-city and intra-oblast) and suburban communications, with the exception of cases when such decision is taken by a carrier;

2) taking decisions on temporary termination of carriage upon occurrence of emergency situations;

3) long-term subsidizing of the expenses of carrier connected with implementation of transportations of passengers on socially important interdistrict (long-distance intraregional) and to suburban messages;

4) determination of inter-district (inter-city intra-oblast) and suburban communications;

5) carrying out of management of other powers imposed on local executive bodies by the legislation of the Republic of Kazakhstan in behalf of local state administration.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication)l dated 06.01.2011 No. 379 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V 9shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication); dated 29.12.2014 No. 269-V (enters into force with 01.01.2015); dated 29.03.2016 No. 479-V (enters into force after twenty one calendar days after day of his first official publication); dated 09.04.2016 No. 494-V (an order of enforcement see Art. 2); dated 28.12.2016 № 34-VI (enters into force with01.01.2017); dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication); dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the xpiration of six months after the day of its first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 № 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 15. National railway company

Footnote. Article 15 is excluded by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 538-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15-1. National carriers

1. National carriers shall carry out their activity in accordance with the legislation of the Republic of Kazakhstan.

2. National carriers shall render services for carriage of passengers, luggage, cargo luggage, postal matters and (or) cargo, as well as perform special and military carriage.

3. National carriers in interaction with the National operator of infrastructure and other participants of transportation process are obliged to provide and carry out military transportations in a prime order.

Footnote. Chapter 2 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 09.07.2004 No. 596; is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change made by the Law of the Republic of Kazakhstan dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication).

Article 16. Carriage process control

1. The National operator of infrastructure shall render services of backbone railway network including dispatching traffic control on main line and station tracks, shall conclude contracts with carriers in accordance with the Rules of using backbone railway network.

2. The National Infrastructure Operator shall not allow rolling stock not complying with the requirements of the Technical Operation Rules, legislation of the Republic of Kazakhstan in the field of technical regulation, healthcare, standardization and environmental legislation of the Republic of Kazakhstan to enter the main railway network.

The Carrier is obliged to ensure compliance of the operated rolling stock with the requirements of the Rules of technical operation, legislation of the Republic of Kazakhstan in the field of technical regulation, health care, standardization and environmental legislation of the Republic of Kazakhstan.

3. The national operator of infrastructure is obliged to sign the contract with the private partner or with the concessionaire regulating relationship of the parties for implementation of the contract of public-private partnership, including the contract of concession.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the changes made by laws of the Republic of Kazakhstan dated

27.10.2015 No. 363-V (enters into force after ten calendar days after day of his first official publication); dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

Article 17. Railroad station

1. Carrier shall carry out carriage between railroad stations opened for performance of the relevant operations on receipt, departure, crossing, overtaking of trains, on servicing of passengers, receipt, dispensing of luggage, cargo luggage, postal matters and (or) cargo. Shunting operation on making up and breaking up of trains and technical operations with trains may be performed on railroad station having the relevant arrangement of tracks.

2. Requirements for operating mode, as well as procedure for opening and closing railroad stations, crossing loops for performance of all or separate operations shall be determined by the authorized body in concurrence with local representative and executive bodies of oblast, city of republican significance, the capital, district (city of oblast significance) and other inhabited localities.

3. Bodies of state revenues, boundary, veterinary, phytosanitary and other bodies carry out the activity in the territory of the railway station in working hours of the railway station.

4. Equal access to services of railroad stations on carrying out of operations on carriage of passengers, luggage, cargo luggage and postal matters, as well as operations on receipt, loading, unloading and dispensing of cargo shall be ensured for carriers.

5. Railroad stations shall be divided into passenger, cargo, distributing, divisional and passing according to their destination and character.

Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 17-1. Railway station

1. Railway station shall have booking office windows, waiting rooms, sanitary premises as well as premises specially equipped for disabled persons and limited mobility people, rooms for mothers with children, objects of informational support (as well as objects linking passengers with single referral center), medical center, guard station of public order.

2. Population shall be provided by trustworthy information on time of departure and arrival of passenger trains, cost of travel for passengers and carriage of luggage, cargo luggage, availability of free places in trains, emergency medical care, location of book of

complaints and suggestions, on operating mode of booking office windows and luggage office, location of station premises, as well as on list of services rendered for population.

Provision of information shall be ensured for disabled persons with use of languages, texts, Braille letters, tactile communication, large print, available multimedia.

3. Passages and entries to passenger platforms and aprons shall be available for disabled persons and limited mobility people (equipped by ramps, specialized lifts).

4. Persons owning railway stations as a property or on other legal grounds shall ensure maintenance and repair of station landside territory.

5. Station structures designed for servicing of population shall be maintained in good technical condition.

6. Upon operation of railway stations, the persons owning them as a property or on other legal grounds shall ensure safety of population and comply with the requirements of technical regulation.

7. Railway stations are integral part of carriage process and shall be operated in accordance with requirements of the legislation of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 17-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 17-2. Availability of services in the sphere of railway transport for disabled people

1. For access for disabled people to services in the sphere of railway transport at railway stations and railway depots have to be provided:

1) allocation of places with installation of special road signs for the parking of vehicles of disabled people;

2) adaptation of buildings, an entrance to buildings (an entrance to the building, ladders), ways of the movement in the building for handicapped groups of the population;

3) the equipment the information signaling devices and means of communication available to disabled people with visual impairment and (or) hearing, according to requirements of the legislation of the Republic of Kazakhstan;

4) presence of the person on duty for disabled a chair carriage for service of disabled people with violations of the musculoskeletal device and other handicapped groups of the population;

5) the equipment of public toilets cabins for the persons moving on for disabled a chair carriages;

6) establishment of specialized payphones for the persons moving on for disabled a chair carriages.

2. In the train there has to be a car with lifting devices for landing and disembarkation of the persons moving on for disabled a chair carriages with specialized places for the persons moving on for disabled a chair carriages.

Footnote. Chapter 2 is supplemented with article 17-2 according to the Law of the Republic of Kazakhstan dated 03.12.2015 No. 433-V (enters into force with 01.01.2016).

Chapter 3. Lands and protective zones for the needs of railway transport

Article 18. Lands for the needs of railway transport

1. Lands for the needs of railway transport are the lands provided to a carrier or participant of carriage process for land use or in ownership for carrying out of the tasks imposed on him (her).

2. Lands designated for railway tracks and structures and constructions linked technologically with them shall relate to the lands for the needs of railway transport:

1) main line tracks and structures and constructions linked technologically with them (railroad groundwork, bridges, tunnels, viaducts, signal equipment, service and technical buildings);

2) approaching lines;

3) railroad stations with buildings, structures of energy, locomotive, railcar, track and cargo economy, water supply and sewage facilities, protective and strengthening plantings, service and other objects having special designation on servicing of railway transport;

4) right of way and protective zones of rail ways;

5) railway tracks and objects of railway transport under contracts of public-private partnership, including under contracts of concession.

3. Lands for the needs of railway transport shall conform to town-planning and environmental requirements established by the authorized state bodies, sanitary and other regulations in accordance with the legislation of the Republic of Kazakhstan.

4. Participants of carriage process shall bear responsibility inflicted to environment due to their fault, as well as for improper maintenance of lands for the needs of railway transport in accordance with the legislative acts of the Republic of Kazakhstan.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 66-IV (the order of enforcement see Article 2); dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication).

Article 19. Procedure for assignment and use of lands for the needs of railway transport

1. Provision of land plots shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. Land plots shall be provided in accordance with project design documentation and general schemes of developing railway tracks and railroad stations according to normative standards approved in concurrence with the authorized body in established manner.

3. Procedure for using lands for the needs of railway transport in a right of way shall be determined by the authorized body in accordance with the land legislation of the Republic of Kazakhstan.

Article 20. Protective zones of railway transport

1. For the purpose of safety ensuring of population, as well as safety operation of objects on land plots connecting to the right of way of the lands for the needs of railway transport, protective zones with special conditions of land use within which those types of activity being incompatible with the purposes of establishing zones shall be established.

2. Protective zones of railway transport shall include: protective forest areas, land ploys being required for ensuring of preservation, reliability and sustainability of structures, devices and other objects of transport, as well as land plots connecting to the right of way of railway transport located in seismic hazardous, landslide zones and in places being subject to other hazardous exposure.

3. Lands of protective zones of railway transport shall not be subject to seizure from possessors and land users and shall be used by them in compliance with established restrictions.

Article 21. Restriction of using lands in protective zones

1. It shall be prohibited in protective zones of railway transport to:

1) perform construction, assembling and mine works of regular and temporary character without a written agreement of possessor or user of adjoining land plot for the needs of railway transport;

2) conduct forest felling and violate vegetative cover by methods that may lead to formation of landslides, rockslides, mud flows, cloughs, occurrence of drift sands, drift snows, snow slips and other similar consequences.

2. For violation of the regime of using lands in protective zones of railway transport, possessors and users of lands of protective zones shall bear responsibility established by the legislative acts of the Republic of Kazakhstan.

Chapter 4. Special aspects of regulating labour relations of employees of railway transport

Article 22. Special aspects of regulating labour relations of employees of railway transport

1. Labour relations of employees of railway transport shall be regulated by labour legislation of the Republic of Kazakhstan, this Law, general agreement, branch (tariff) agreements, labour and collective agreements.

2. Employee of railway transport immediately linked with train traffic shall conform to requirements on professional training and health condition determined by the authorized body

3. Special aspects of recording work time and rest time of employee of railway transport immediately linked with train traffic shall be established by the authorized body.

Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 No. 253; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23. Additional grounds of dismissal from work of employee of railway transport

1. Beside the grounds provided by labour legislation of the Republic of Kazakhstan, on the basis of act of the authorized body, an employer shall be obliged to dismiss employee of railway transport from work in cases of:

1) non-fulfillment of instructions of dispatching service, the National operator of infrastructure linked with control of carriage process and train traffic;

2) violation of working schedule.

2. For the period of dismissal from work, the salary shall not be preserved. Dismissal of employee from work may be carried out for the term until clarifying reasons serving as ground for dismissal.

Footnote. Article 23 as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 No. 253; dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24. Official uniform (without shoulder straps) and badges of ranks

Employees of railway transport linked with servicing of passengers, senders of cargo and receivers of cargo, as well as linked immediately with train traffic shall be issued by official uniform (without shoulder straps) with the relevant badges of ranks at the expense of employer.

List of offices (professions) of employees of railway transport having the right of bearing official uniform (without shoulder straps), samples of official uniform (without shoulder

straps) and badges of ranks, procedure for its bearing and norms of its supplying shall be approved by the authorized body.

Footnote. Article 24 is in the wording of the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 5. Insurance of passengers on railway transport

Footnote. Chapter 5 is excluded by the Law of the Republic of Kazakhstan dated 8 May 2003 No. 414.

Chapter 6. General safety requirements in the scope of railway transport

Footnote. Title of chapter 6 is in the wording of the Law of the Republic of Kazakhstan dated 29 December 2006 No. 209 (the order of enforcement see Article 2).

Article 30. General provisions

1. Objects of technical regulation are railway transport, railway tracks, railroad stations, railway stations and other objects of participants of carriage process linked with railway carriage, as well as process of their life circle.

2. Participants of carriage process shall be obliged to perform the safety requirements established in technical regulations and ensure safety conditions for life and health of human, travel of passengers, as well as compliance with traffic safety requirements on main line, stations tracks and approaching lines.

2-1. Participants of transportation process and auxiliary services of railway transport are obliged to inform on violations of traffic safety on the main, station and access roads authorized body and its territorial divisions.

Participants in transportation process and support services of railway transport shall provide information on traffic safety violations no later than one hour from the moment of the accident by telephone or facsimile. Detailed information on traffic safety violations shall be provided in writing no later than 24 hours after the accident.

Forms of information on traffic safety violations shall be approved by the authorized authority.

3. Safety in the scope of railway transport shall be ensured by a set of organizational and technical measures oriented to protection of life and health of people, protection of environment, creation of conditions of accident-free work of participants of carriage process, maintenance of backbone railway network, rolling stock of railway tracks, structures, equipment, mechanisms and appliances, as well as elimination of consequences of possible accidents.

4. Joint and several responsibility for non-compliance with established normative standards upon construction and operation of gas-, oil pipelines, automobile overbridges, power transmission lines and other constructions crossing railway tracks or being in immediate area from them, as well as for safety of operation of mentioned constructions shall be borne by their possessors and owners.

Owners of mentioned structures shall be obliged to inform participants of carriage process and bodies of state transport control on occurrence of accidents or accident situations threatening traffic safety without undue delay.

5. Sender (sender of cargo) sending and receiver (receiver of cargo) receiving hazardous cargo, as well as carrier performing carriage of hazardous cargo shall be obliged to ensure safety of their carriage, have means and mobile subdivisions being required for liquidation of accident situations and their consequences (as well as under the contract).

Upon occurrence of accident situation in the process of carriage of hazardous cargo, participants of carriage process shall be obliged to ensure immediate sending of mentioned subdivisions to the place of occurrence.

Footnote. Article 30 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 31. Safety requirements upon designing, production, operation, carriage, storage, repair and utilization of objects of infrastructure, structures, rolling stock, special rolling stock, constructions, equipment and inventory of railway transport

1. Designing, production, operation, carriage, storage, repair and utilization of objects of infrastructure, structures, rolling stock, special rolling stock, constructions, equipment and inventory of railway transport shall be carried out in conditions ensuring safety of life and health of human and compliance with the legislation of the Republic of Kazakhstan in the field of technical regulation and environmental legislation of the Republic of Kazakhstan, as well as international treaties of the Republic of Kazakhstan concerning designing, production, operation, carriage, storage, repair and utilization of objects of infrastructure, structures, rolling stock, special rolling stock, constructions, equipment and inventory of railway transport in the process of their life circle.

2. Processes of design, production, operation, transportation, storage, storage, repair and utilization of infrastructure facilities, structures, rolling stock, special rolling stock, structures, equipment and inventory of railway transport shall be carried out in accordance with the

Rules of technical operation, technical regulations, documents on standardization, operational documentation.

3. Requirements for preservation of objects of infrastructure, structures, rolling stock, special rolling stock, constructions, equipment and inventory of railway transport in the process of their designing, production, operation, carriage, storage and repair shall be established in operational documentation.

4. The movement of the rolling stock on certain sites of the railway tracks, bridges and tunnels closed for rendering services is forbidden.

Footnote. Article 31 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change made by the Law of the Republic of Kazakhstan dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication)

Article 31-1. Safety requirements upon designing of railway transport and equipment

Footnote. The Law is supplemented by Article 31-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31-2. Safety requirements upon production of railway transport and equipment

Footnote. The Law is supplemented by Article 31-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); is excluded by the Law dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31-3. Safety requirements upon operation (assembling and repair) of railway transport and equipment

Footnote. The Law is supplemented by Article 31-3 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31-4. Safety requirements upon transportation and storage of railway transport and equipment

Footnote. The Law is supplemented by Article 31-4 in accordance with the Law of the Republic of Kazakhstan dated 12.2006 No. 209 (the order of enforcement see Article 2); is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31-5. Safety requirements upon utilization and destruction of railway transport and equipment

Footnote. The Law is supplemented by Article 31-5 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 32. Verification of complying with traffic safety requirements

1. Verification of complying with traffic safety requirements on main line, station tracks and approaching lines shall be carried out by the authorized body.

When exercising state control, officials of the authorized authority must be in uniform (without shoulder straps) of the established pattern, have service certificates or identification cards.

2. List of offices (professions), the procedure for determining the level of professional training in accordance with qualification requirements submitted to office (profession), qualification requirement submitted to office (profession) shall be established by the authorized body.

3. Excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 No. 479-V (enters into force after twenty one calendar days after day of his first official publication).

Footnote. Article 32 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 No. 479-V (enters into force after twenty one calendar days after day of his first official publication); dated 26.11.2019 № 273-VI (shall be enforced upon expiry of six months after the day of its first official publication).

Article 32-1. Safety requirements to participants of carriage process and support services of railway transport

1. Safety requirements to participants of carriage process and support services of railway transport shall be established by the Rules of safety on railway transport, Rules of technical operation of railway transport, Instruction on trains traffic and shunting operation on railway

transport, Instruction on signalling on railway transport and other regulatory legal acts of the Republic of Kazakhstan.

2. Carriers shall be obliged to develop and implement a safety management system in accordance with the safety rules for railway transport.

The audit of the carrier's safety management system shall be carried out by the authorized authority in accordance with the safety rules for railway transport at the request of the carrier.

The procedure and terms for issuing a safety certificate shall be determined by the safety rules for railway transport.

3. Rolling stock shall conform to requirements of this Law, Rules of technical operation of railway transport, other regulatory legal acts of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented by Article 32-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change made by the Law of the Republic of Kazakhstan dated 09.04.2016 No. 494-V (enters into force after ten calendar days after day of his first official publication); dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 32-2. Responsibility for violation of safety requirements

Participants of carriage process and support services of railway transport shall bear responsibility for violation of safety requirements that entailed infliction of harm to life and health of human, environment, infliction of damage to property of participants of carriage process and third parties, in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Chapter 6 is supplemented by Article 32-2 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. Protection of cargo and objects

1. Carrier and the National operator of infrastructure shall be obliged to ensure:

- 1) preservation of cargo upon carriage;
- 2) the militarized protection of the objects of railway transport which are under their authority according to the list approved by authorized body;
- 3) conduct of fire-fighting routine maintenance and fire extinguishing on railway transport

2. The carrier or the consignor in transit is obliged to provide with railway transport under the contract on the organization of transportation of goods in the order established by authorized body protection of the freights which are subject to maintenance by the militarized protection.

3. Sender of cargo, receiver of cargo shall be obliged to ensure carriage of separate types of cargo accompanied by own representatives (conductors) according to the list and in the manner established by the rules of carriage.

4. Sender of cargo, receiver of cargo may carry out protection and accompaniment of cargo not included into the lists provided by this Article in the manner established by the rules of carriage.

5. Protection of public order and crime prevention on railway transport shall be ensured by internal affairs bodies.

Footnote. Article 33 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication).

Article 34. Organization of work in specific conditions

1. Carrier, the National operator of infrastructure, railroad branch owner shall be obliged to take measures immediately on eliminating consequences of emergency situations of social, natural and technogenic character.

For carrying out and taking these measures, they shall have necessary stock of material and technical means, the list of which shall be determined by the authorized body.

2. Legal relations linked with ensuring of mobilization readiness, conduct of measures on civil defence, prevention and liquidation of emergency situations, imposition of the regime of emergency or military situation shall be regulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 34 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 35. Action of railway transport in specific conditions

1. At emergence of emergency situations of social, natural and technogenic character and also at introduction of extraordinary and martial law the contractual relations of carrier can be suspended on the basis of decisions of authorized body on representation of the public authorities which are carrying out prevention (identification, suppression) and elimination of emergency situations of social character depending on the competence, the commandant of the area.

2. In case of occurrence of a threat to national security or occurrence of emergency situations of social, nature and technogenic character, as well as upon imposition of emergency situation and other circumstances impeding the carriage, the National operator of

infrastructure may take decision on temporary termination or restriction of rendering the services linked with carriage, in determined directions of railway communication.

The National operator of infrastructure shall be obliged to establish validity term of such decision, as well as notify the authorized body, carriers and other interested persons immediately.

3. Upon occurrence of circumstances listed in paragraphs 1 and 2 of this Article entailed improper fulfillment of the contract on delivery, dispensing of luggage, cargo and cargo luggage that lead to expiration of limiting storage period, carrier shall have the right to return luggage, cargo and cargo luggage to a sender, sender of cargo at their expense.

Footnote. Article 35 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication).

Article 35-1. Obligation of representing railway transport to law enforcement and special state bodies

Owners of railway transport shall be obliged to represent railway transport (except for representatives of foreign states and international organizations having diplomatic immunity) to law enforcement and special state bodies for travelling to the place of occurrence, emergency situations and delivering citizens being in need of emergency medical treatment to medical institutions in the manner provided by Article 35 of this Law.

Owners of railway transport shall be compensated for expenses for using the transport in cases provided by this Article, as well as inflicted damage at the expense of state budget in the manner established by civil legislation of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 35-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 7. Organization of cargo carriage

Article 36. Contract of cargo carriage

1. In accordance with the contract of cargo carriage, carrier shall be obliged to deliver cargo entrusted to him (her) by a sender of cargo in due time and in safe keeping to railway station of destination and dispense to a receiver of cargo, and sender of cargo (receiver of cargo) shall be obliged to pay a transfer of cargo and ensure its acceptance.

2. Contract of cargo carriage by railway transport shall be executed by drawing up of railway bill of lading.

3. Contract of cargo carriage shall be considered as concluded from the date of issuance of a receipt to a sender of cargo on acceptance of cargo with marking the date stamp of station of departure in railway bill of lading.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 37. Modifying conditions of contract of carriage

1. Modifying conditions of the contract of carriage, as well as reforwarding of cargo shall be carried out under agreements of parties in accordance with the rules of carriage.

2. Readdressing of the freight which is under customs control is carried out in the presence of the consent of appropriate authority of state revenues.

In case transportation of the freight which is under customs control threatens health and life of people, traffic safety, ecological safety, safety and a qualitative condition of freight, readdressing is carried out without the consent of bodies of state revenues with the obligatory notice them at the scheduled time.

4. In cases provided by the legislative acts of the Republic of Kazakhstan, state bodies in accordance with their competence shall have the right to withdraw cargo from a carrier. By this, expenses of the carrier on carriage and storage of cargo, as well as expenses inflicted to him (her) shall be subject to compensation by a guilty party.

Expenses of a sender of cargo, receiver of cargo shall be subject to compensation in the manner established by the legislative acts of the Republic of Kazakhstan.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 38. Contract on organizing carriage of cargo

1. According to the contract on organizing cargo carriage, carrier shall be obliged to accept in established terms, and a sender of cargo – to represent cargo for carriage in specified volume.

2. The contract on the organization of transportation of goods, except for contracts on the organization of military transportations, volumes, terms, quality of transportations, conditions of granting vehicles and presentation of freights to transportation and also other conditions of the organization of transportations which aren't provided by the present Law and rules of transportations are defined.

3. Carrier and sender of cargo may conclude long-term contracts on organizing carriage upon necessity of carrying out systematic carriage.

Footnote. Article 38 with the change made by the Law of the Republic of Kazakhstan dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication).

Article 39. Transfer of rights and obligations

1. From the date of notifying on arrival of cargo in point of destination, the rights and obligations under the contract of carriage shall transfer to receiver of cargo.

2. Receiver of cargo shall have the right to claim compensation for expenses and losses from a sender of cargo paid to a carrier due to incorrect actions of the sender of cargo.

Article 40. Rules of cargo carriage

1. Rules of cargo carriage shall include general provisions, as well as determine conditions and procedure for:

- 1) planning of carriage;
- 2) drawing up of a registration card of performing the plan of carriage;
- 3) receipt of cargo for carriage;
- 4) dispensing of cargo;
- 4-1) transit of cargo;**
- 5) applying locking and packing devices for locking the railcars and containers;
- 6) drawing up of way-bill and carriage documents;
- 7) carriage of mass cargo by the routes and groups of railcars on one way-bill;
- 8) cargo carriage with declared value;
- 9) precision standards of weighing cargo on railcar scales;
- 10) natural loss standards of cargo weights;
- 11) calculations on carriage and carriage charge;
- 12) conclusion of contracts on spotting-picking of railcars and compulsory conditions of

such contracts;

- 13) terms of loading and unloading (discharge);
- 14) delivery date and rules of calculating the delivery date;
- 15) storage;
- 16) retention, sale of cargo, transfer of cargo to state bodies;
- 17) reforwarding, return to a sender of cargo;
- 18) carriage in bulk and in a heap;
- 19) carriage on opened rolling stock;
- 20) carriage accompanied by conductors;
- 21) carriage by exit routes;

- 22) part load and less-than-railcar carriage;
- 23) carriage in containers and transportation blocks;
- 24) carriage of freezing cargo;
- 25) carriage of perishable goods;
- 26) carriage of animals and birds;
- 27) carriage of cargo being subject to veterinary, phytosanitary control;

28) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

- 29) drawing up of acts;

30) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

- 31) carriage of liquid cargo in tanks in reservoir trucks and hopper open wagons;

- 32) carriage of hazardous cargo;

- 33) production of special investigations and examinations;

- 33-1) carrying out of cargo carriage upon special conditions;

- 33-2) clearance and wash-out of railcars and containers after unloading;

- 34) other conditions in accordance with the legislative acts of the Republic of Kazakhstan.

2. Procedure for carrying out of control of complying with the Rules of cargo carriage shall be established by the authorized body.

Footnote. Article 40 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 40-1. The mixed transportation of goods

The relations of carriers and also other persons participating in the mixed transportation of goods by different types of transport according to the uniform commodity-transport consignment note (the uniform consignment) are defined by acts of the Republic of Kazakhstan for transport.

Footnote. Chapter 7 is supplemented with article 40-1 according to the Law of the Republic of Kazakhstan dated 27.10.2015 No. 363-V (enters into force after ten calendar days after day of his first official publication).

Article 41. Loading, unloading (discharge) of cargo

1. Loading, unloading (discharge) of cargo shall be carried out by a carrier or sender of cargo (receiver of cargo) in the manner and in the terms provided by the rules of carriage or contracts.

1-1. Loading of freights, cargo baggage in cars, containers and also unloading from them on access roads which arrangement is coordinated with bodies of state revenues for customs inspection can be carried out by participants of transportation process.

The expenses of participants of transportation process connected with loading (unloading), correction of the damaged packing, packing opening, packing or repacking of goods and also with giving and cleaning of cars, containers, issue of sanitary passports, storage of freights, containers and other expenses which have arisen in connection with implementation of data of works on an initiative or the indication of bodies of state revenues or other bodies of the state control and supervision are compensated at the expense of consignors, consignees in a size established according to the legislation of the Republic of Kazakhstan.

1-2. Sender of cargo shall be obliged to ensure the accuracy of placing and securing of cargo upon loading, the compliance with established standards and loading patterns of the relevant transport vehicle.

1-3. For safety ensuring of train traffic and preservation of transferred cargo, carrier shall have the right to check accuracy of loading and securing of cargo, compliance with established standards and loading patterns of the relevant transport vehicle before departure.

2. Sender of cargo shall be obliged to prepare cargo for carriage by such a manner that traffic safety, preservation of cargo and rolling stock are ensured.

3. Carrier shall be obliged to notify sender of cargo, receiver of cargo on time of supplying railcar, containers for loading, unloading (discharge) by their means not later than two hours before supply.

4. Carrier shall be obliged to notify sender of cargo on delivery of cargo within the term not later than twelve hours of daytime next to the day of delivering cargo in the manner mentioned in rules of cargo, unless otherwise established by the contract on organizing carriage.

5. Carrier may carry out preliminary notification of receiver of cargo or forwarding merchant on delivery of cargo, if it is provided by conditions of the contract.

6. Sender of cargo shall be obliged to carry out acceptance of cargo arrived to him (her), release rolling stock and ensure its clearance.

Clearance of rolling stock shall be carried out in accordance with requirements mentioned in the rules of carriage.

Footnote. Article 41 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 42. Planning of cargo carriage

1. Carrier shall carry out cargo carriage in accordance with the contracts on organizing carriage and contracts of carriage on the basis of submitted applications.

2. The form of application for cargo carriage, procedure for its drawing up, filling, fulfillment, introduction of amendments and accounting shall be established by the rules of carriage.

3. Submission of applications for carriage in international communication shall be carried out on conditions of international treaties of the Republic of Kazakhstan.

4. Carrier may refuse in accepting the application for cargo carriage in cases provided by this Law and rules of carriage.

Article 43. Railway bill of lading

1. The consignor is obliged at presentation of freight to transportation to submit to carrier the railway consignment note on each sending, and in the necessary cases provided by the legislation of the Republic of Kazakhstan and other documents (the certificate, the license, the veterinary certificate, customs declarations).

In case of execution of the customs declaration in the form of the electronic document the body of state revenues sends to carrier the electronic notice of release of goods with use of information systems of bodies of state revenues.

2. Form of railway transport bill of lading and other carriage documents, procedure for their drawing up shall be determined by the rules of carriage.

3. Sender of cargo shall bear responsibility provided by the legislation of the Republic of Kazakhstan for accuracy of details included into bill of lading, as well as for all the consequences of inaccuracy, inexactness or deficiency of details mentioned by him (her) in railway transport bill of lading.

Footnote. Article 43 as amended by the Laws of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 02.07.2014 No. 255-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 44. Verification of carriage documents

1. The carriage shall verify accuracy of details mentioned in railway bill of lading, for which he (she) shall have the right to:

1) inspect cargo;

2) receive certificate on state registration (reregistration) of legal entity from sender of cargo, receiver of cargo, forwarding merchant and railcar (container) operator;

3) verify documents certifying personality of individuals acting as sender of cargo, receiver of cargo, forwarding merchant and railcar (container) operator;

4) receive copies of shipping documents from the consignee, consignor during transit of cargo.

2. A representative of a sender of cargo, receiver of cargo, forwarding merchant shall be obliged to represent power of attorney for receipt (departure) or dispensing (receipt) of cargo to a carrier.

3. Sender of cargo, receiver of cargo, forwarding merchant shall be obliged to inform a carrier on any changes of details mentioned in subparagraph 2) of paragraph 1, paragraph 2 of this Article before receipt or dispensing of cargo.

Footnote. Article 44 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 24.12.2012 No. 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 45. Giving cleaning of cars, containers

Footnote. Article 45 heading with the change made by the Law of the Republic of Kazakhstan dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

1. Carrier shall be obliged to supply and pick railcars, containers for loading to sender of cargo within the terms established by received application and (or) contract. Supplied railcars, containers shall be suitable for carriage of declared cargo (properly functioning, cleared inside and outside) in accordance with the rules of carriage.

Preparation of railcars, containers for loading shall be carried out at the expense of a person who owns railcars and (or) containers as property or on the other legal ground, and in accordance with concluded contract within the terms determined by the rules of carriage.

2. Sender of cargo shall determine suitability of railcars and containers in commercial relations for carriage of notified cargo, with the exception of cases when loading of railcars is carried out by the means of a carrier.

Sender of cargo shall have the right to refuse from supplied transport vehicles that are not suitable for carriage of the relevant cargo.

Footnote. Article 45 as amended by the Law of the Republic of Kazakhstan dated 9 July 2004 No. 596; dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

Article 46. Locking of railcars, containers

1. Loaded railcars and containers shall be locked by:

- 1) locking and packing devices of a carrier when the cargo is loaded by him (her);
- 2) locking and packing devices of sender of cargo, port, quay when the cargo is loaded by a sender of cargo, port, quay.

2. In case of opening of cars, containers for customs inspection their sealing by new locking and sealing devices is carried out by bodies of state revenues types of locking and sealing devices which are allowed for application according to rules of transportations.

3. The locking and sealing devices imposed by bodies of state revenues are equated to locking and sealing devices of the consignor and carrier.

Footnote. Article 46 with the changes made by the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 47. Carriage charge

1. Payment for cargo carriage and other payment due and owing to a carrier shall be made by a sender of cargo, forwarding merchant before the moment of dispatching cargo, unless otherwise provided by the contract.

By this, payment for cargo carriage shall be collected on the basis for the shortest distance within which cargo carriage is carried out.

Determination of the shortest distance within which carriage of large size (off-gauge) and heavy cargo shall be carried out in recognition of technical capability and crossing capacity of railway tracks for carriage of such cargo.

2. Final settlements linked with carriage and dispensing of cargo shall be performed with a sender of cargo upon arrival of cargo.

3. Carrier may refuse henceforth from concluding the contract in case if sender of cargo, receiver of cargo, forwarding merchant has debts for carriage, as well as upon untimely making payments before repayment of debts.

4. Upon commission of actions provided by paragraph 3 of this Article, the guilty party (sender of cargo, receiver of cargo, forwarding merchant) shall pay charge to a carrier for using railcars and containers for all the time of delay.

5. Payment for carriage of cargo shall be performed on the date of receiving cargo for carriage, and upon settlement on arrival of cargo on the date of its dispensing.

Footnote. Article 47 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 48. Delivery dates of cargo

1. Carrier shall be obliged to deliver cargo to railroad station of destination within the term determined by the contract of carriage in accordance with the rules of carriage.

2. Cargo shall be considered as delivered in time, if upon expiry of the delivery date it was delivered to the point of destination and given to a sender of cargo or handled to acceptance (exhibition) tracks.

3. In case if spotting of cargo for acceptance (exhibition) tracks is delayed due to the fault of a sender of cargo, receiver of cargo, railroad branch owner (non-availability of a front of unloading, non-making of payment for cargo carriage and other payments owing to a carrier), the cargo shall be considered as delivered in time.

Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 49. Payment for using railcars, containers and for time-out (lay-out, delay) of rolling stock on railway tracks

1. Payment for using railcars, containers shall be made to a carrier, and in existence of the relevant contract – to owner of railcars, containers by a sender of cargo, receiver of cargo, railroad branch owner:

1) for the whole time of staying in senders of cargo, receivers of cargo, railroad branch owners of railcars, containers including time established by the rules of carriage for loading (discharge) and shunting operations;

2) for the time of time-out (lay-out, delay) of railcars and containers on main line, station tracks due to the fault of senders of cargo, receivers of cargo, railroad branch owners.

2. Consignors, consignees, vetvevladelets, owners of cars (containers) for the idle time of cars (a delay of containers) which has happened on their fault on the main, station ways and also railway tracks under contracts of public-private partnership, including under contracts of concession, entailed violation of technological process of transportations, are obliged to compensate to carrier the payments paid to the owner of the specified ways during their occupation.

3. Amount of payment shall be established in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 49 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); with the changes made by the Law of the Republic of Kazakhstan dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication).

Article 50. Verification of cargo upon dispensing

1. Upon dispensing of cargo, carrier shall verify it in cases of arrival:

1) in damaged railcar, container;

2) in railcar, container with locking and packing devices of trailing railroad stations, as well as in the absence or damage of locking luting devices;

3) with signs of deficiency, damage (waste) upon carriage on open rolling stock or in covered railcars without locking luting devices, when such carriage is provided by the rules of carriage;

4) with non-observance of the delivery date or violation of temperature regime upon carriage of perishable cargo in refrigerator railcars;

5) loaded by a carrier;

6) when unloading is carried out by a carrier.

2. Tare and piece cargo shall be dispensed by a carrier with verifying the weight and condition of cargo only in damaged places. Upon detection of damage of a tare or upon other circumstances that may influence on condition of cargo, carrier shall perform verification of cargo in damaged places.

3. Verification of the cargo weight upon dispensing shall be carried out by a method being similar to the method of its determination upon loading.

Weight of cargo shall be considered as correct if the difference in cargo weight determined on the station of departure in comparison with the weight being on the station of destination doesn't exceed the standards of limiting weight discrepancy and natural loss established in accordance with the rules of carriage.

4. In case if a sender of cargo and carrier don't have car scales, the cargo transferred in a heap and in bulk shall be dispensed without verifying their weight.

Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 51. Determination of the size of deficiency, damage (waste) of cargo

1. In case of detecting loss, deficiency or damage (waste) of cargo, carrier and sender of cargo shall jointly determine the size of real damage.

2. At the initiative of a carrier or sender of cargo, the examination or other necessary investigation on determining the size of real damage inflicted by deficiency, waster or damage of cargo may be conducted.

3. Expenses on conducting examination or other necessary investigation shall be assigned on the guilty person.

Article 52. Measures on ensuring obligations on payment

1. Carrier shall have the right to hold cargo being transferred to him (her) for carriage for ensuring carriage charge and other payments due.

2. In case of selling cargo (seized, confiscated, recognized as ownerless), the expenses of a carrier inflicted due to carriage and storage shall be compensated under decisions of courts and other authorized bodies as the expenses on commission of executive actions of persons

the competence of which includes fulfillment of court decisions and decisions of other authorized bodies.

Article 53. Consequences of violating the obligations of sender of cargo

1. Upon avoidance of sender of cargo from fulfilling the obligations on receipt of cargo, carrier shall notify sender of cargo upon expiry of seven days (in respect of perishable, hazardous cargo – two days) from the date of arrival of cargo, that he (she) is required to dispose the cargo. Sender of cargo shall be obliged to dispose cargo within four days (perishable, hazardous cargo – two days) from the date of receiving such notification.

2. In the absence of instructions of sender of cargo about how to dispose the cargo, when storage of the cargo may lead to its waste, carrier shall have the right to sale cargo.

Sum collected from selling perishable cargo, with the deduction of all payments owing to a carrier shall be contributed in the name of notary officer for sender of cargo on conditions of deposit.

3. Carrier shall have the right to dispense cargo to receiver of cargo before the date of receiving instructions of sender of cargo on disposal of the cargo.

4. In case of non-receipt of instructions of sender of cargo on disposal of cargo within the terms established by paragraph 1 of this Article, carrier shall have the right to return cargo to sender of cargo at his (her) expense.

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 54. Arrival of cargo to the address of improper receiver of cargo

1. In case of arrival of cargo to the address of receiver of cargo, delivery of which is not provided by the contract, as well as cargo the name of which doesn't conform to the name mentioned in railway bill of lading:

1) receiver of cargo shall be obliged to notify carrier in written within a day from the date of receiving notification on arrival of cargo that he (she) is improper party under the contract of carriage;

2) carrier shall be obliged to notify immediately sender of cargo on necessity of disposal of cargo, and sender of cargo shall be obliged to give written instruction on disposal of cargo within four days (in respect of perishable, hazardous cargo – two days).

2. Sender of cargo mentioned in railway bill of lading shall have the right to receive cargo upon paying all the payments owing to carrier.

3. Upon non-receipt of instructions of sender of cargo on disposal of cargo within the terms provided by paragraph 1 of this Article, carrier shall have the right to return cargo to

sender of cargo at his (her) expense, and sell perishable cargo in accordance with paragraph 2 of Article 53 of this Law.

Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 55. Preclusions to cargo carriage

1. The carrier is obliged to notify the consignor or the forwarding agent on emergence of obstacles to transportation of freight on their fault (a delay bodies of state revenues or other public authorities) and impossibility of transfer of such freights to other carriers for further transportation immediately on telegraph or otherwise according to the signed contract.

The consignor and also the forwarding agent, if such obligations are assigned to him by the contract, are obliged to accept measures for removal of obstacles for shipment of freight.

2. Terms of delivering cargo established for carrier shall be increased for the rime of delay of cargo due to the fault of sender of cargo, forwarding merchant.

3. For the time of delay of export and import cargo, the guilty party shall pay payment for using railcars and containers to carrier, and for the time of delay of transit cargo – payment in amount established by conditions of international treaties of the Republic of Kazakhstan.

4. In case if sender of cargo or receiver of cargo didn't take measures in respect of delayed cargo within eight days (in respect of perishable, hazardous cargo within four days) from the date of receiving notification from carrier, carrier shall have the right to return cargo to sender of cargo at his (her) expense or to require release of cargo from transport vehicle, and to sell perishable cargo in accordance with paragraph 2 of Article 53 of this Law.

Footnote. Article 55 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 55-1. Providing data of preliminary information

Consignors, consignees, forwarding agents, customs representatives or the other persons involved for the organization of the services connected with transportation of freight are obliged to provide to carrier the information necessary for implementation of preliminary informing bodies of state revenues in volume and the terms established by the legislation of the Republic of Kazakhstan and (or) the international treaty.

Footnote. Chapter 7 is supplemented with article 55-1 according to the Law of the Republic of Kazakhstan dated 27.10.2015 No. 363-V (enters into force after ten calendar days after day of his first official publication).

Chapter 8. Approaching lines

Article 56. Conditions of operating approaching lines

1. Access roads, their constructions and devices have to meet construction standards and rules and also Rules of technical operation of railway transport, to provide the admission of the rolling stock with norm of technical loading, admissible on the main ways.

2. Approaching lines, their structure and devices shall ensure rhythmical loading, unloading (discharge) of cargo, shunting operation in accordance with cargo turnover, as well as rational use of rolling stock.

3. Operation of approaching line in the period of its construction or conducting necessary repair works may be carried out on conditions of short-term contract.

4. Operation of approaching line shall be carried out on the basis of instruction on the procedure for servicing and organizing traffic on approaching line, developed by railroad branch owner and approved by the National operator of infrastructure in accordance with the rules of carriage.

5. Maintenance and repair of the access roads, their constructions and devices assigned to Armed Forces of the Republic of Kazakhstan are carried out by the National operator of infrastructure on a contractual basis.

Footnote. Article 56 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication); dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication).

Article 57. Connection of approaching lines

1. The adjunction of access roads to the main and station ways is carried out with the consent of the National operator of infrastructure or the private partner at implementation of the project of public-private partnership or the concessionaire at implementation of the concession project.

The public authority performing management in spheres of natural monopolies carries out consideration of complaints in case of refusal by the National operator of infrastructure or the concessionaire on an adjunction of access roads to the main and station ways.

2. Connection of newly built approaching lines to existing approaching lines shall be allowed with the agreement of railroad branch owner.

The order of coordination of an adjunction of again under construction ways to the existing access roads is defined by authorized body.

3. In case of connection of newly built approaching lines or increase of the volumes of carriage on current approaching line, construction of approaching lines, railroad stations, development of existing railroad stations of backbone railway network may be carried out at the expense of the means of initiator of construction.

Footnote. Article 57 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 27.07.2007 No. 316 (shall be enforced from the date of its official publication); dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 31.10.2015 No. 380-V (enters into force after ten calendar days after day of his first official publication); dated 28.12.2016 No. 34-VI (enters into force with 01.01.2017); dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

Article 57-1. Services of approaching lines

1. Railroad branch owner shall have the right to render services of approaching lines for participants of carriage process for pass, parking point of rolling stock, spotting-picking and rolling-on and rolling-out of railcars, containers, carrying out of operations on receipt, loading (discharge), dispensing of cargo, shunting operation and other operations on the basis of a contract on rendering of services of approaching lines.

2. For rendering of services of approaching lines, railroad branch owners shall collect a charge in accordance with the legislation of the Republic of Kazakhstan.

2-1. The collection of a separate fee for use of structures, devices and elements of the access road, intended for moving rolling stock from one track to another, shall be prohibited.

3. Railroad branch owners shall be obliged to ensure equal right of using the services of approaching lines for participants of carriage process.

4. Railway owners, in the absence of a competitive access road, shall be obliged not to allow actions (inactions) leading to the termination of provision of access road services to participants in transportation process, except for cases stipulated by the legislation of the Republic of Kazakhstan.

Footnote. Is supplemented by Article 57-1 in accordance with the Law of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 58. Features of check of observance of safety requirements of the movement on an access road

1. At detection on an access road by the body of the state transport control of the malfunctions menacing to traffic safety, safety of the rolling stock, containers, freights draws up the statement of the revealed violations.

On the basis of the specified act a vetvevladelets is obliged to suspend rendering services of access roads.

On the basis of the written notice of authorized body the National operator of infrastructure stops giving cleaning of cars on access roads.

2. A vetvevladelets in writing notifies authorized body on elimination of the revealed violations.

Renewal of operation of an access road is allowed on the basis of the decision of authorized body.

The authorized body from the moment of making decision on renewal of operation of an access road in writing notifies the National operator of infrastructure.

3. For not elimination of the revealed violations in the terms specified in the act, a vetvevladelets bears the responsibility established by laws of the Republic of Kazakhstan.

In the specified case a vetvevladelets bears full property responsibility for non-execution or inadequate performance of obligations under contracts, including with the contractor.

Footnote. Article 58 in edition of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (enters into force with 01.01.2015); with the change made by the Law of the Republic of Kazakhstan dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

Article 59. Compulsory fulfillment of orders of operator of backbone railway network on approaching lines

Employees fulfilling employment duties on approaching lines shall be obliged to perform order of the National operator of infrastructure on the issues of organizing shunting operation.

Footnote. Article 59 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 60. Contracts on rendering of services of approaching lines

1. Interrelations of participants of carriage process on rendering on services of approaching lines shall be determined by a contract.

2. Unilaterally, railroad branch owner shall not have the right to:

- 1) change conditions of the contract on rendering of services of approaching lines;
- 2) dissolve the contract on rendering of services of approaching lines;

3) commit other actions violating the principle of equal access of participants of carriage process with the exception of cases of their violation of the contract on rendering of services of approaching lines.

Footnote. Article 60 – is in the wording of the Law of the Republic of Kazakhstan dated 9 July 2004 No. 596.

Article 61. Prejudicial regulation of disagreements

Prejudicial regulation of disagreements arising upon conclusion of the contracts on spotting-picking of railcars, as well as disagreements on their amending and supplementing shall be carried out in the manner and within the terms mentioned in the rules of carriage.

Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 62. Responsibility for preservation of railcars and containers on approaching lines

Responsibility for preservation of cargo and rolling stock on approaching lines shall be borne by received party. Responsibility of contracting party before railroad branch owners shall be determined by the same rules on which the railroad branch owner shall answer before carrier.

Article 63. Considering time of being of railcars and containers on approaching lines

Considering time of being of railcars and containers on approaching lines shall be carried out in accordance with the rules of carriage. Place and procedure for receipt of railcars, containers on approaching lines shall be established by the contract.

Chapter 9. Carriage of passengers, luggage, cargo luggage and postal matters

Article 64. Organization of carriage of passengers

In the international and interregional messages the organization of transportations of passengers is defined by authorized body.

On inter-district (inter-city intra-oblast) and suburban communications, the organization of carriage of passengers shall be determined by local representative and executive bodies or carrier.

Opening of new railway services by carriers of passengers, not related to socially significant passenger services shall be carried out in agreement with the authorized authority.

The procedure for the authorized authority to agree on opening of new railway services by carriers, not related to socially significant passenger traffic shall be determined by the Rules for using the main railway network.

Footnote. Article 64 is in the wording of the Law of the Republic of Kazakhstan dated 09.07.2004 No. 596; as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (enters into force after ten calendar days after day of his first official publication); dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 65. Contract of carriage of passenger, luggage and cargo luggage

1. Under the contract of carriage of passenger, carrier shall be obliged to transfer it to the point of destination providing a place in train to him (her) according to travel document (ticket), and passenger shall be obliged to pay for a travel.

2. Under the contract of carriage of luggage, cargo luggage, carrier shall be obliged to transfer luggage, cargo luggage to the point of destination, and sender shall be obliged to pay for its transportation.

3. Contract of carriage of passenger shall be drawn up by travel document (ticket), of luggage carriage – by luggage ticket, and of cargo luggage carriage – by cargo luggage ticket.

4. The carrier is obliged to provide sale of the travel document (ticket) to the station of destination specified by the passenger. The carrier can organize sale of travel documents (tickets) through ticket offices of the passenger agencies, electronic terminals, Internet resources and other ways in the order established by Rules of the organization of sale of travel documents (tickets) on railway transport in the Republic of Kazakhstan.

4-1. Sale of travel documents (tickets) and set booking shall be carried out through automated control system of carriage of passengers, the access to which shall be organized by the National railway company in concurrence with the authorized body.

Sale of travel documents (tickets) along the line of the train by carrier is carried out through an automated control system for passenger traffic according to Rules of the organization of sale of travel documents (tickets) on railway transport in the Republic of Kazakhstan.

5. Carrier that didn't provide place for passenger according to the travel document (ticket) or who refused from continuation of carriage shall be obliged to carry the passenger to the point of destination at his (her) expense or compensate all the losses inflicted to the passenger by improper fulfillment of the contract.

6. The form of travel documents (tickets), procedure for their selling and validity terms shall be established by the rules of carriage.

Footnote. Article 65 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 No. 494-V (enters into force after ten calendar days after day of his first official publication).

Article 66. Rules of carriage of passengers, luggage and cargo luggage

Rules of carriage of passengers, luggage and cargo luggage shall determine:

1) organization of selling, prolongation of the validity term of travel documents (tickets) and work of booking office windows;

2) category of passenger railcar, as well as according to the comfort level;

3) the list of compulsory services including rendering of emergency medical treatment rendered to passengers in passenger trains and at railway stations;

4) conditions and procedure for changing the conditions of travel of passenger, provision of bedding items and other services in trains;

5) procedure for registering stop by passenger on route (up to ten days);

6) procedure and conditions of cabin luggage transportation;

7) conditions and procedure for receipt and dispensing of luggage, cargo luggage;

8) forms of carriage documents and procedure for their drawing up;

9) list of animals allowed for carriage, procedure and conditions of their carriage;

10) procedure for dispensing of luggage and cargo luggage on route;

11) procedure and conditions of resending luggage and cargo luggage;

12) procedure for storage, deduction, transfer of luggage and cargo luggage;

13) procedure for carriage of hazardous substances;

14) procedure for return of payments for non-used travel documents (tickets);

15) rules of travelling for minor passengers;

15-1) procedure for using passenger platforms;

16) other conditions in accordance with the legislative acts of the Republic of Kazakhstan.

Footnote. Article 66 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (enters into force dated 01.01.2015).

Article 66-1. A monitoring procedure order behind observance of Rules of transportations of passengers, baggage and cargo baggage in passenger trains along the line

1. Control of observance of Rules of transportations of passengers, baggage and cargo baggage in the passenger trains going across the territory of the Republic of Kazakhstan is along the line carried out by authorized body.

2. Check of passenger trains on observance by carriers of Rules of transportations of passengers, baggage and cargo baggage is carried out official (official) by the person (faces) of authorized body on the basis of the act of purpose of check.

Are specified in the act of purpose of check:

1) date and number of the act;

2) name of authorized body;

3) a surname, a name, a middle name (at his existence) and a position of the person (persons), representative (representatives) on conducting check;

4) date and number of logging of accounting of acts of purpose of checks of passenger trains;

5) the name of the checked subject and number of passenger trains;

6) the identification number (IIN/BIN) of the checked subject;

7) questions of check;

8) term of conducting check;

9) the signature of the person authorized to sign acts, and the press of authorized body.

3. The statement of purpose of check is drawn up on everyone the checked subject transporting passengers, baggage and cargo baggage with the indication of numbers of passenger trains.

The act of purpose of check is registered in the log-book of acts of purpose of checks of passenger trains.

The order of maintaining and form of the log-book of acts of purpose of checks of passenger trains are approved by authorized body.

4. Before the start of an inspection of a passenger train, officials present an official certificate or an identification card and an act on appointment of an inspection of this train, while informing the head of the passenger train or a senior conductor (director of the restaurant car, the receiver of baggage car, the conductor of service car).

5. In case of hindrance to access for the official to the passenger train which is subject to the state control him the protocol is formed. The refusal in access to the checked object isn't the basis for check cancellation.

6. Behind observance of Rules of transportations of passengers, baggage and cargo baggage officials start check of the passenger train after departure of the passenger train.

7. Check is carried out in all carriages of the checked passenger train regarding observance of Rules of transportations of passengers, baggage and cargo baggage.

8. By results of check of the passenger train by officials the statement of results of check is drawn up.

In case of lack of violations of the established requirements to a check subject in the act of results of check the corresponding record is made.

9. The statement of results of check is drawn up in duplicate.

Are specified in the act of results of check:

1) date, time and site of check;

2) name of authorized body;

3) date and number of the act of purpose of check on the basis of which an inspection is carried out;

4) a surname, a name, a middle name (at his existence) and a position of the person (faces) who was carrying out (carrying out) an inspection;

5) the name of the checked subject, numbers and messages of the passenger train, a surname, a name, a middle name (at his existence) the chief of the passenger train or the senior conductor (the director of a dining-carriage, the gager of a baggage car, the conductor of the office car) which was present when conducting check;

6) data on results of check, including on the revealed violations;

7) data on acquaintance or on refusal in acquaintance with the act of results of check of the chief of the passenger train or the senior conductor (the director of a dining-carriage, the gager of a baggage carriage, the conductor of the office carriage) which was present when conducting check, his signature or refusal of the signature;

8) the signature official (official) the person (faces) who was carrying out (carrying out) an inspection.

Are attached to the act of results of check at their existence the documents or their copies connected with results of check.

10. In case of existence of remarks and (or) objections by results of check the chief of the passenger train or the senior conductor (the director of a dining-carriage, the gager of a baggage carriage, the conductor of the office car) which was present when conducting check states them in writing.

Remarks and (or) objections are attached to the act of results of conducting check about what the corresponding mark becomes.

11. One copy of the act of results of check is handed to the chief of the passenger train or the senior conductor (in case of check as a part of the passenger train of a dining-carriage, a baggage carriage and the office carriage according to one copy of the act of results of check are handed according to the director of a dining-carriage, the gager of a baggage carriage, the conductor of the office carriage) which was present when conducting check for acquaintance and taking measures to elimination of the revealed violations.

12. Official (official) the person (faces) at monitoring procedure behind observance of Rules of transportations of passengers, baggage and cargo baggage in the passenger trains going across the territory of the Republic of Kazakhstan along the line has (have) the right:

1) easy access in the carriages of all types which are in structure of the checked passenger train;

2) to receive documents (data) connected with questions of check on papers or their copy for attaching to the act of results of check;

3) to involve experts, consultants and experts of public authorities.

13. Official (official) the person (faces) which is carrying out (carrying out) check is forbidden to impose requirements and to appeal, not belonging to questions of check.

14. Officials of authorized body at monitoring procedure are obliged:

1) to observe the legislation of the Republic of Kazakhstan, the right and legitimate interests of the checked subjects;

2) to carry out inspections in strict accordance with the order established by the present Law;

3) to hand to the chief of the passenger train or the senior conductor (to the director of a dining-car, the gager of a baggage car, the conductor of the office car) which was present when conducting check, the act of results of the carried-out inspection in day of her termination.

15. The chief of the passenger train or the senior conductor (the director of a dining-carriage, the gager of a baggage carriage, the conductor of the office carriage) at monitoring procedure has the right not to allow to check official (official) faces (faces) of the authorized body which has arrived (arrived) for conducting check to an object in cases:

1) the expirations of the terms specified in the act of purpose of check;

2) discrepancies of data official (official) the person (faces) which has arrived (arrived) for conducting check with data official (official) the person (faces) specified (specified) in the act of purpose of check.

16. The chief of the passenger train or the senior conductor (the director of a dining-carriage, the gager of a baggage carriage, the conductor of the office carriage) when carrying out by authorized body control of observance of Rules of transportations of passengers, baggage and cargo baggage in the passenger train is obliged:

1) to provide easy access official (official) faces (faces) in the cars of all types which are in structure of the checked passenger train at observance of requirements of paragraph 4 of article 66-1 of the present Law;

2) to submit official (official) to the person (faces) documents (data) connected with questions of check on papers or their copy for attaching to the act of results of check;

3) to make a mark about acquaintance with the act of purpose of check;

4) to make a mark about receiving in the second copy of the act of results of the carried-out inspection in day of her termination.

Footnote. Chapter 9 is supplemented with article 66-1 according to the Law of the Republic of Kazakhstan dated 31.01.2006 N 125; in edition of the Law of the Republic of Kazakhstan dated 09.04.2016 No. 494-V (enters into force after ten calendar days after day of

his first official publication); dated November 26, 2019 No. 273-VI (shall be enforced upon the expiry of six months after the day of its first official publication).

Article 66-2. Procedure for conducting verifications of the rules of carriage of passengers, luggage and cargo luggage

Footnote. Article 66-2 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

Article 67. Rights and obligations of passenger

1. Passenger shall have the right to:

1) acquire travel document (ticket) for any train and any railcar until the station of destination named by him (her) opened for passenger operations on the routes of trains;

2) receive place in railcar of train according to acquired travel document (ticket);

3) carry one child on a gratuitous basis at the age up to seven years, if he (she) doesn't take a separate place, or children at the age from seven to fifteen years with provision of separate places for them with paying for travel in amount of fifty percent.

Provision of such right upon carriage in passenger railcars of other states and in passenger railcars of the Republic of Kazakhstan through the territory of other states shall be carried out on conditions of international treaties of the Republic of Kazakhstan;

4) carry cabin luggage on a gratuitous basis with a weight no more than thirty five kilograms for one full or child travel document.

Cabin luggage exceeding this weight shall be subject to deliver in luggage railcar.

Passengers from among disabled people and handicapped groups of the population in addition have the right to take with themselves free of charge technical supportive (compensatory) means and special vehicles intended for private use;

5) return travel document (ticket) to carrier and receive refund of passenger fare and luggage transportation from carrier (and sender – to receive payment for luggage transportation, cargo luggage) in the manner established by the rules of carriage;

6) elongate validity term of travel document (ticket) in the manner established by the rules of carriage;

8) make a stop on route and elongate validity term of travel document (ticket) for no more than none days in the manner established by the rules of carriage;

8) go by passenger train being previous to the train on which travel document (ticket) is acquired, in existence of free places and introduction of amendments in travel document (ticket);

9) register luggage for carriage for established charge;

10) receive duplicate of previously acquired travel document (ticket) upon written request from carrier (booking office windows or passenger agencies) in case of its damage, loss in the manner established by the Rules of carriage of passengers, luggage, cargo, cargo luggage.

Duplicate on previously returned travel documents (tickets) shall not be issued.

2. Passenger shall be obliged to:

1) represent document certifying identity upon acquiring travel document (ticket), upon entraining and upon verifying travel document (ticket) on route, with the exception of trains of suburban traffic;

2) have travel document (ticket) upon entraining and on route until the end of travel;

3) comply with public order, rules of using passenger railcars and objects intended for servicing the carriage of passengers, as well as handle carefully with property of carrier and comply with the rules of fire security as on route, so at the waiting places.

Footnote. Article 67 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 No. 433-V (enters into force with 01.01.2016).

Article 68. Luggage and cargo luggage transportation

1. Carrier shall be obliged to accept luggage and cargo luggage from passenger or sender and direct to any railroad station opened for such operations.

Cargo luggage of sender shall be accepted according to carriage document (cargo luggage ticket) without representing travel document (ticket).

Luggage, cargo luggage of sender shall be forwarded by the earliest train in which the luggage railcar is available. By this, carrier shall be obliged to ensure primary forwarding of luggage, cargo luggage of passenger. Luggage, cargo luggage running on route mentioned in travel document (ticket) of a passenger shall be forwarded by train, which is steered by the passenger or by the earliest train in which the luggage railcar is available.

2. Upon delivery of luggage, passenger (sender) shall have the right to declare its value, and shall be obliged to declare its value upon delivery of cargo luggage.

3. Such things and items that on their dimensions, packing and properties may be loaded and placed in luggage railcar without difficulties and may not inflict harm to property of carrier and luggage, cargo luggage of other passengers (senders) shall be accepted for carriage as luggage, cargo luggage.

Footnote. Article 68 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 69. Delivery date of luggage and cargo luggage

1. Delivery date of luggage and cargo luggage shall be determined by the running time of passenger train, in which carriage to railroad station of destination is carried out according to the train schedule.

If carriage of luggage, cargo luggage is carried out with transshipment on route, the delivery date shall be increased for a day for each transshipment.

2. Passenger, receiver shall be issued by luggage, cargo luggage at the station of destination upon representing luggage, cargo luggage tickets and document confirming identity.

3. Dispensing of luggage, cargo luggage shall be performed within time when the station is opened for operations on passenger carriage.

Footnote. Article 69 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 70. Consequences of expiration of limiting storage periods

1. In case when passenger, receiver didn't receive luggage, cargo luggage by the reasons not depended from carrier, carrier shall be obliged to keep it at station of destination within thirty days from the date of arrival, and luggage and cargo luggage being under customs control – within fifteen days.

2. After the deadlines of storage specified in paragraph 1 of the present article, the carrier transfers baggage and cargo baggage to the order of authorized public authorities (bodies of state revenues and other public authorities). From this point the passenger, the sender, the recipient have the right to address them concerning compensation of cost or receiving baggage, cargo baggage.

3. In case of implementing luggage, cargo luggage (seized, confiscated, recognized as ownerless), the expenses of carrier inflicted due to carriage and storage shall be compensated under the decisions of courts and other authorized bodies as expenses for commission of executive actions of persons, the competence of which includes fulfillment of judicial decisions and decisions of other authorized bodies.

Footnote. Article 70 with the change made by the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication).

Article 71. Organization of carriage of passengers in suburban traffic

(Article 71 is excluded – by the Law of the Republic of Kazakhstan dated 9 July 2004, No . 596)

Article 72. Carriage of postal matters

Carriage of postal matters shall be carried out in post office cars in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 72 is in the wording of the Law of the Republic of Kazakhstan dated 09.07.2004 No. 596; as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 10. Responsibility for obligations arising from carriage

Article 73. Responsibility for violation of circumstances on carriage

1. In case of non-fulfillment or improper fulfillment of obligations arising from carriage, parties shall bear responsibility on the basis and in amounts established by the Civil Code of the Republic of Kazakhstan, this Law and other regulatory legal acts in the field of railway transport, international treaties of the Republic of Kazakhstan, rules of carriage, as well as contracts concluded on their basis.

Bringing of party to responsibility violated the obligations shall be performed only upon request of the party whose rights are violated.

2. Agreement of parties having the purpose to restrict or eliminate responsibility established by this Law shall be invalid.

Parties may increase amount of responsibility on mutual agreement, as well as provide additional responsibility under the contract of carriage.

3. Mutual responsibility of carriers for non-fulfillment or improper fulfillment of obligations on carriage shall be determined by this Law, rules of carriage of cargo, passengers, as well as by agreements between carriers.

4. In case of carrying out of carriage by several carriers, they shall be jointly and severally responsible before a sender (receiver of cargo) for loss, deficiency, damage (waste), delay of delivery of luggage, cargo, cargo luggage.

5. If carrier bears responsibility occurred due to the fault of other carrier, sender of cargo, receiver of cargo, railroad branch owner, forwarding merchant, he (she) shall have the right of recourse claim to guilty persons.

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 9 July 2004 No. 596.

Article 74. Penalty

1. For non-fulfillment or improper fulfillment of obligations on cargo carriage, a guilty party shall pay penalty in amounts established by the Civil Code of the Republic of Kazakhstan, this Law or contract.

2. For delay of paying payments owing to a carrier, a penalty in amount of responsibility shall be collected for illegal use of other monetary resources established by the Civil Code of the Republic of Kazakhstan.

3. In the absence of other contract of parties, primarily a sum of penalty shall be discharged from a sum of performed payment, and in a rest part – capital sum of the debt.

Article 75. Responsibility of a carrier for harm inflicted to life and health of a passenger

Carrier shall bear responsibility on obligations arising due to infliction of harm to life and health of a passenger in accordance with the Civil Code of the Republic of Kazakhstan.

Responsibility of a carrier shall begin for infliction of harm to life and health of a passenger during the period of passenger's stay in a train and in the territory of railway station upon entraining (detraining).

Article 76. Responsibility of a carrier for loss, deficiency or damage (waste) of luggage, cargo, cargo luggage

1. Carrier shall be obliged to ensure preservation of luggage, cargo, cargo luggage from the moment of their receipt for carriage until the moment of dispensing to receiver of cargo, receiver.

2. Property responsibility for loss, deficiency, damage (waste) of luggage, cargo, cargo luggage shall be transferred from the moment of their receipt and transfer.

3. For loss, deficiency or damage (waste) of luggage, cargo, cargo luggage accepted for carriage without declaring value, carrier shall bear responsibility in the following amount:

1) in case of loss or deficiency in amount of cost of lost or deficient luggage, cargo, cargo luggage;

2) in case of damage (waste) in amount of a sum, on which the cost of luggage, cargo, cargo luggage is reduced.

Cost of luggage, cargo, cargo luggage shall be determined proceeding from its price mentioned in a bill of a seller, contract, and in its absence proceeding from the price that is normally collected for similar goods upon comparable circumstances.

4. For loss, deficiency or damage (waste) of luggage and cargo luggage, as well as cargo delivered for carriage with declaring a value, carrier shall bear responsibility in amount of declared value.

5. Besides damage provided by paragraphs 3 and 4 of this Article, carrier shall return carriage charge received for carriage of lost, deficient, damaged (wasted) luggage, cargo, cargo luggage, if the carriage charge is not included into their cost.

6. Luggage, cargo, cargo luggage shall be considered as lost after seven days upon expiry of delivery date.

In case of arrival of luggage, cargo, cargo luggage upon expiry of mentioned terms, receiver may accept them and return a sum paid for loss by a carrier.

7. Carrier shall answer for loss, deficiency or damage (waste) of cargo, luggage or cargo luggage, if he (she) proves that loss, deficiency or damage (waste) of cargo or luggage, cargo luggage are occurred not due to his (her) fault.

8. In case of dispensing cargo that doesn't conform to details mentioned in railway bill of lading upon loading of such cargo by a carrier, the latter shall bear responsibility before a sender of cargo in amount of the cost of cargo mentioned in railway bill of lading, as for its loss.

9. Responsibility on payment of the customs duties and taxes for the lost, not delivered freight at international transport of freights according to customs procedure of customs transit bears the carrier which has accepted freight for shipment from other carrier of the Eurasian Economic Union in case of transportation breach of contract.

Footnote. Article 76 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (enters into force with 01.01.2015); dated 26.12.2017 No. 124-VI (enters into force with 01.01.2018).

Article 77. Responsibility of non-fulfillment of application on plan of cargo carriage

1. Carrier for non-provision of transport vehicles in accordance with received application, and sender of cargo for non-representing cargo, as well as for non-use of supplied transport vehicles shall bear mutual property responsibility in the form of fine estimated in percent from the size of monthly calculation index in the following amounts:

1) upon cargo carriage in containers: fifteen percent for each container with a gross weight up to five tons included;

thirty percent for each container with a gross weight from five to ten tons included;

sixty percent for each container with a gross weight more than ten tons;

2) upon cargo carriage in railcars, with the exception of refrigerator railcars and conveyors – one hundred fifty percent for each railcar;

3) upon carriage in refrigerator railcars, conveyors – two hundred ninety percent for each railcar, conveyor.

2. Upon cargo carriage (carriage of which is established only in railcars) on railroad tracks having narrow gauge – in amount of fifty percent of fines provided by paragraph 1 of this Article.

3. Fine for non-fulfillment of application for cargo carriage shall be collected independently from payment for using railcars, containers.

3-1. In case of preventing a carrier by a sender of cargo on non-use of railcars (containers) not less than three days before the day of loading, the sum of fine shall be reduced to one third.

4. Payment of fine by a carrier for non-supply of a rolling stock in accordance with received application shall not release him (her) from the following obligations on supply of the rolling stock. In case of non-representation of a rolling stock within the prolonged terms specified with a sender of cargo, a carrier shall be obliged to pay penalty in amount of 5-fold monthly calculation index established by the Law on republican budget for the relevant financial year, unless the carrier proves that non-supply of a rolling stock occurred not due to his (her) fault.

Footnote. Article 77 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 596; dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 78. Responsibility for unauthorized occupation, damage or loss of railcars and containers

1. Carrier, sender of cargo, receiver of cargo, as well as other persons shall not have the right to use railcars, containers not belonged to them for own carriage, storage of cargo, as well as use them for loading without permits of owners, if this is not provided by the relevant contracts.

2. For non-compliance with such requirement, guilty party shall bear property responsibility before owner in the form of fine in amount of payment for use of railcars, containers besides the payment for use of railcars, containers.

3. Payment of fine provided by paragraph 2 of this Article shall not release guilty party from property responsibility before the owner, established by the Civil Code of the Republic of Kazakhstan.

Article 79. Responsibility for violation of delivery date of cargo

1. For a railway part of a way the carrier pays for every day of delay of delivery of freight to the consignee a penalty of five percent of a carrying payment for transportation by railway transport, but not over fifty percent of a carrying payment if it doesn't prove that the delay has happened not through his fault.

2. For the violation by the consignor, consignee, forwarding agent of requirements of the legislation of the Republic of Kazakhstan for paperwork for export, import, transit of goods which has entailed a delay of cars and containers bodies of state revenues, bodies boundary or other types of control in favor of carrier the penalty at a rate of a payment for use of cars, containers is raised.

Footnote. Article 79 with the changes made by laws of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (enters into force after ten calendar days after day of his first official publication); dated 27.10.2015 No. 363-V (enters into force after ten calendar days after day of his first official publication).

Article 79-1. Responsibility of untimely unloading (discharge) of cargo

Upon untimely unloading (discharge) of cargo by receivers of cargo, carrier shall increase payment for using railcars and containers delayed for more than twenty four hours over technological term of railcar turnover and terms (technological time) of loading (unloading) of cargo, but no more than tenfold.

Upon collection of this payment, the rule of paragraph 2 of Article 49 of this Law shall not be applied.

Footnote. The Law is supplemented by Article 79-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 80. Responsibility for violation of delivery dates of a passenger, luggage, cargo luggage

1. For each day of delay of delivering luggage, cargo luggage, carrier shall pay a fine to a passenger, receiver in amount of ten percent of carriage charge, but not more than fifty percent of carriage charge, unless he (she) proves that delay is occurred not due to his (her) fault.

Delay in delivering shall be calculated from twenty four hours of days on which luggage, cargo luggage shall arrive.

2. Payment of a fine for violation of delivery dates of luggage, cargo luggage shall be made on the basis of act of general form upon application of a passenger, receiver in accordance with the rules of carriage.

3. For delay of departure, as well as for lateness of a passenger train carrying a passenger to railway station of destination, carrier shall pay a fine to the passenger in amount of three

percent from the cost of travel document (ticket) for each hour of delay besides compensation of losses to the passenger, unless he (she) proves that delay or lateness is occurred due to insuperable force.

Sum of collected fine may not exceed the cost of travel document (ticket).

Payment of a fine for lateness of a passenger train shall be made upon application of a passenger in accordance with the rules of carriage.

Article 81. Responsibility for representing luggage, cargo, cargo luggage for carriage with violation of conditions of carriage

1. For incorrect specifying the name of cargo, its special properties or necessary preventive measures in railway bill of lading, as well as for departure of cargo carriage of which is prohibited, a fine in amount of fivefold cost of carriage shall be collected from a sender of cargo in favor of a carrier, together with compensation for losses inflicted by these circumstances.

2. Sender of luggage, cargo luggage shall bear responsibility before a carrier in the form of a fine in amount of fivefold cost of carriage for transportation of luggage, cargo luggage, carriage of which is prohibited, and in cases provided by the legislation of the Republic of Kazakhstan shall be brought to administrative or criminal responsibility.

Article 82. Responsibility for overloading railcars, containers

For overloading a railcar, container over carrying load (carrying capacity), a fine in amount of fifty percent of carriage charge shall be collected from a sender of cargo in favor of a carrier, together with compensation of inflicted losses.

Footnote. Article 82 as amended by the Law of the Republic of Kazakhstan dated 9 July 2004 No. 596.

Article 83. Responsibility for non-clearance of railcars, containers after unloading

1. Carrier shall have the right to refuse from acceptance of non-cleaned railcar, container. For a time of being of a railcar, container under the clearance, receiver of cargo shall pay payment for use to a carrier.

2. For refusal of clearing a railcar, container, a fine in amount of twofold cost of works on clearance and expenses of a carrier on spotting of a railcar, container to the place of clearance shall be collected from a receiver of cargo in favor of a carrier.

Footnote. Article 83 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 84. Responsibility for damage or loss of a rolling stock, containers, removable carriage appliances

For damage or loss of a rolling stock, containers, removable carriage appliances and means of bundling, the cost of lost property or necessary repair, as well as a fine in amount of fifty percent of the cost of lost property or necessary repair shall be collected from a guilty party in favor of possessor (owner).

Article 85. Responsibility for a delay of giving cleaning of carriages from access roads

Footnote. Article 85 heading with the change made by the Law of the Republic of Kazakhstan dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

1. Under contracts for giving cleaning of cars, operation of an access road the carrier bears responsibility in the form of a penalty for a delay of giving cleaning, reception of cars on places (from places) loadings and unloadings (unloading) on railway access roads at a rate of 1,7 percent from the size of a monthly settlement indicator for each car in an hour.

The penalty is charged for all the time of a delay from the moment of violation of terms of giving cleaning of the cars provided by the specified contracts.

2. Delay of railcars for the term of less than thirty minutes shall not be considered. Delay of railcars for the term from thirty minutes until one hour shall be considered for full hour.

Footnote. Article 85 with the changes made by the Law of the Republic of Kazakhstan dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

Article 86. Release from responsibility

1. Parties may be released from responsibility for non-fulfillment or improper fulfillment of obligations arising from the contract of carriage, on the grounds provided by the Civil Code of the Republic of Kazakhstan, this Law, international treaties of the Republic of Kazakhstan.

2. Parties shall be released from responsibility, if non-fulfillment of improper fulfillment of obligations is occurred due to:

1) insuperable force, as well as emergency situations of social, natural and technogenic character;

2) military actions, imposition of emergency situation;

3) termination or restriction of transfer of cargo, train traffic declared in the manner established by this Law.

Footnote. Article 86 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 87. Release of a carrier from responsibility

1. Besides the grounds mentioned in paragraph 2 of Article 86 of this Law, carrier shall be released from responsibility in the cases of:

1) non-fulfillment or improper fulfillment of obligations due to the fault of a passenger, sender (sender of cargo), receiver (receiver of cargo), forwarding merchant;

2) compensation of spotting railcars, containers allowed for separate days of decade within this calendar decade with the agreement of a sender of cargo;

3) termination of spotting railcars, containers or delay of departure of cargo on the grounds provided by paragraph 3 of Article 47 of this Law;

4) damage (waste) of cargo due to its untimely unloading and pickup by a receiver of cargo;

5) arrival of luggage, cargo and cargo luggage in good-order railcar, container with good-order locking and packing devices established by a sender (sender of cargo) or in a good-order rolling stock on route with good-order protecting marking or good-order signaling control system, as well as in existence of other signs testifying on preservation of luggage, cargo, cargo luggage;

6) non-preservation of cargo due to special natural properties, as well as due to its delivery for carriage without specifying special properties in travel documents, requiring special conditions or preventive measures upon carriage or storage;

7) loading, unloading (discharge) of cargo in covered railcar, container, if loading or unloading (discharge) was performed by means of a sender of cargo or receiver of cargo;

8) non-preservation of cargo due to natural reasons linked with carriage on opened rolling stock;

9) cargo carriage accompanied by a conductor of a sender of cargo or receiver of cargo;

10) abnormality, inaccuracy or incompleteness of details mentioned by a sender of cargo in railway bill of lading;

11) difference in a cargo weight within the rates of natural loss, lowering of humidity, as well as difference of norms in cargo weight being accepted for carriage on weight determined by a sender of cargo without participation of a carrier;

12) waste of perishable cargo in compliance with the term of transportability and temperature condition;

13) non-preservation of luggage, cargo, cargo luggage due to hidden defects of transport packing or their properties;

14) uses of smaller number of cars, containers, than it is provided by the application, as a result of the condensed loading.

2. Carrier shall not bear responsibility for preservation of luggage running together with a passenger as cabin luggage, except for cases of waste of luggage due to the fault of a carrier.

Footnote. Article 87 with the changes made by the Law of the Republic of Kazakhstan dated 27.10.2015 No. 363-V (enters into force after ten calendar days after day of his first official publication).

Article 88. Release from responsibility of a sender of cargo, receiver of cargo

The consignor or the consignee, including when performing military transportations, besides the bases specified in paragraph 2 of article 86 of the present Law is exempted from liability in cases:

- 1) non-use of railcars, containers spotted without its preliminary agreement;
- 2) compensation of underloading allowed in separate days of decade, within this calendar decade with the agreement of a carrier;
- 3) use of lower quantity of railcars, containers that is provided by application, in the result of pressed loading;
- 4) notifications of carrier of non-use of cars, containers not less than in seven days prior to day of loading, and on military transportations – in day of loading.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 No. 69-VI (enters into force after ten calendar days after day of his first official publication).

Chapter 10-1. Carrying out of state control in the field of railway transport

Footnote. The Law is supplemented by chapter 10-1 by the Law of the Republic of Kazakhstan dated 31.01.2006 No. 125. Title as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 88-1. Subject and purpose of conducting state control in the field of railway transport

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The state control in the field of railway transport (further – transport control) is carried out behind observance by natural and legal entities of requirements of the regulations of the

Republic of Kazakhstan defining an order of functioning of railway transport, identification and taking measures to suppression of their violations.

2. Purpose of conducting transport control is compliance with requirements of the legislation of the Republic of Kazakhstan in the field of railway transport on ensuring of safety operation and effective activity on railway transport.

3. The authorized body shall interact with central and local executive bodies, take joint control measures, ensure mutual information exchange.

State bodies shall be obliged to provide assistance to the authorized body in performance of tasks on carrying out of transport control for safety ensuring in the field of railway transport in accordance with the legislation of the Republic of Kazakhstan.

Participants of transportation process and owners of the rolling stock provide the information on the made scheduled repair of the rolling stock and also the main, station, access roads to authorized body in the form established by Rules of technical operation of railway transport no later than thirty calendar days from the moment of repair completion.

Footnote. Article 88-1 as amended by the Laws of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 No. 494-V (enters into force after ten calendar days after day of his first official publication); dated 05.05.2017 No. 59-VI (enters into force after ten calendar days after day of his first official publication).

Article 88-2: State Control in the Field of Railway Transport

1. State control in the field of railway transport is carried out in the form of inspection and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

2. Preventive control without visiting the subject (object) of control is carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

Footnote. Article 88-2 of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156 -VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 88-3. Terms of conducting verifications

Footnote. Article 88-3 is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

Article 88-4. Rights of the authorized body

For implementing assigned tasks, the authorized body shall have the right to:

- 1) require information, materials, referenced data from individuals and legal entities on all the issues included into the competence of the authorized body;
 - 2) to check activity of the natural and legal entities which are carrying out transportation and other activity on railway transport including with use of control and measuring technical means and devices, regarding observance by them:
 - maintenance of station and main line tracks of railway network and railway approaching lines;
 - maintenance, operation and repair of a rolling stock;
 - established Rules of carriage of passengers, luggage and cargo luggage, as well as Rules of cargo carriage;
 - maintenance, operation and repair of technical means oriented to safety traffic ensuring on railway transport;
 - maintenance, operation and repair of artificial structures, as well as railway carriage;
 - 3) *is excluded – dated 27 July 2007 No. 316;*
 - 4) within the limits of the competence to make certificates by results of checks and to bring orders about elimination of the revealed infringements of the legislation of the Republic of Kazakhstan about a railway transportation, documents on standardization and the norms defining an order of functioning of a railway transportation;
 - 5) draw up minutes, to carry out production on the cases on administrative infractions in accordance with the legislation of the Republic of Kazakhstan on administrative infractions;
 - 6) *is excluded by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV;*
 - 7) conduct inspection of territories, premises, goods, other property belonged to a legal entity, as well as verification of the relevant documents within the competence;
 - 8) engage the relevant specialists for participation in examinations on the issues related to the competence of the authorized body;
 - 9) submit proposals to state bodies on prevention of transport accidents, violations of the rules of operation of a transport;
 - 10) suspend and terminate operation of objects of backbone railway network, railway tracks and rolling stock, as well as upon carriage of passengers, cargo and hazardous cargo, condition of which doesn't conform to established requirements of traffic safety and environmental protection.
- Footnote. Article 88-4 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 316 (shall be enforced from the date of its official publication); dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.05.2017 No. 59-VI (enters into force after six months after day of his first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon the expiration of six months after the day of its first official publication).**

Article 88-5. Forms of acts

Forms of acts on conducting verifications, drawing up of results of conducted verification, of necessary accounting documents on registering the cases of violation of traffic safety, prescriptions on elimination of detected violations shall be established by the authorized body .

Article 88-6. Procedure for preventive control without visiting the subject (object) of control

1. Preventive control without visiting the subject (object) of control is carried out by the authorized body on the basis of analysis and data of information systems, as well as other data on the activity of the subject (object) of control.

The subjects of control are:

- 1) a national infrastructure operator;
- 2) carriers;
- 3) wagon operators;
- 4) locomotive traction operators;
- 5) branch owners;
- 6) railway transport support services.

The objectives of preventive control without visiting the subject (object) of control are timely suppression and prevention of violations, granting the subject of control the right of independent elimination of violations identified by the results of preventive control without visiting the subject (object) of control, and reducing the administrative burden on the subject of control.

For granting the right of independent elimination of violations to control subjects preventive control without visiting the subject (object) of control is carried out only on those violations, which consequences are possible to eliminate in accordance with the legislation of the Republic of Kazakhstan.

2. In case of detection of violations according to the results of preventive control without visiting the subject (object) of control in actions (inaction) of the subject of control the authorized body executes and sends a recommendation within five working days from the date of detection of violations.

3. The recommendation shall be handed over to the subject of control in person, upon signature or otherwise, confirming the facts of dispatch and receipt.

A recommendation sent by one of the following means shall be deemed to have been delivered in the following cases:

- 1) by courier - from the date of the mark in the recommendation on receipt;
- 2) by registered mail - by registered mail;
- 3) by electronic means - from the date of sending by the authorized body to the e-mail address of the subject of control specified in the letter at the request of the authorized body.

4. The recommendation on elimination of violations revealed by results of preventive control without visiting the subject (object) of control shall be executed within ten working days from the day following the day of its delivery.

5. In case of disagreement with violations specified in the recommendation, the subject of control has the right to send an objection to the authorized body that sent the recommendation within five working days from the day following the day of its delivery.

6. Non-implementation of the recommendation on elimination of violations revealed by the results of preventive control without visiting the subject (object) of control entails appointment of preventive control with visiting the subject (object) of control by means of inclusion in the half-yearly list of preventive control with visiting the subject (object) of control.

7. Preventive control without visiting the control subjects (objects) is carried out not more often than once a year.

Footnote. Chapter 10 was supplemented by Article 88-6 of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 10-2. Investigation of traffic safety violations

Footnote. The Law is supplemented with Chapter 10-2 in accordance with the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Статья 88-7. Общие положения расследования нарушений безопасности движения

1. Violations of traffic safety shall be subject to compulsory investigation in accordance with the procedure established by the rules for investigating traffic safety violations on railway transport. Traffic safety violations include crashes, accidents, events and incidents.

2. The objectives of the investigation are to establish the causes and (or) associated factors, develop recommendations to prevent violations of traffic safety in future and ensure traffic safety.

3. Investigation of crashes and accidents shall be carried out by a commission created by the authorized authority. The Commission for Investigation of Crashes and Accidents includes an Investigator-in-charge, who is an official of the authorized authority, participants in transportation process and interested parties.

Events and incidents shall be investigated by participants in transportation process.

4. The work of the Commission for Investigation of Crashes and Accidents shall be chaired by the Investigator-in-charge.

5. The Commissioner for Investigation organizes and coordinates the work of the commission for investigation of crashes and accidents, as well as all aspects related to them at the site of crashes and accidents.

6. In order to maintain a professional level and improve qualifications, the Commissioner for Investigation periodically undergoes training in the manner prescribed by the legislation of the Republic of Kazakhstan.

7. Individuals and legal entities, state authorities shall be obliged to provide information and (or) documentation related to the investigation at the request of the commission for investigation of crashes and accidents.

8. The Commission for Investigation of Crashes and Accidents conducts investigations of crashes and accidents separately and independently of other types of investigations conducted by other state authorities.

9. During the investigation, interference in the activities of the Commission for Investigation of Crashes and Accidents of individuals and (or) legal entities, other state authorities, except for cases directly provided by the laws of the Republic of Kazakhstan, shall not be allowed.

Article 88-8. Rights and obligations of the commission for the investigation of crashes and accidents

1. The Commission for Investigation of Crashes and Accidents shall be entitled to:

1) interact with representatives of other state authorities to ensure the independence and objectivity of investigation, as well as to avoid the loss or alteration of evidence related to the investigation;

2) have unhindered access to the crash and accident site, to all documentation related to operation of the rolling stock, to personnel involved in its maintenance and security, to conduct an inspection and further survey of the accident site, objects and wreckage, spare parts and any other objects that shall be the cause or could have contributed to impact of crash and accident;

3) to search, restore, retrieve, read data from objective control devices or any other device of an information carrier on a rolling stock, as well as records of technical means of traffic maintenance and full control over the storage of the obtained data. The extraction and reading of the records of objective control or any other device of the information carrier should be made without any delay using appropriate means in the Republic of Kazakhstan;

4) interrogate eyewitnesses, personnel and other persons involved in crash and accident, appoint research and tests necessary to establish the causes of the crash and accident and (or) related factors;

5) involve experts in the work, request their reports related to investigation of crash and accident;

6) be, in agreement with the owner of the rolling stock, in a passenger carriage or locomotive in a route to the crash and accident site.

2. The Commission for Investigation of Crashes and Accidents shall be obliged to comply with the legislation of the Republic of Kazakhstan.

Chapter 11. Acts, claims, suits

Article 89. Conditions and procedure for submission of a claim

1. Passenger, sender (sender of cargo), receiver (receiver of cargo) shall have the right of submitting claims to a carrier arising from the contract of carriage.

Person owning railcars, containers as a property or on other legal grounds shall have the right of submitting claims to a carrier in case of loss, damage, railcars, containers.

2. Individuals or legal entities may submit claims in the name of persons having the right of submitting claims under the contract of carriage in accordance with the legislation of the Republic of Kazakhstan.

3. Documents certifying existence of a right of submitting claim of an applicant shall be attached to the claim.

4. The following documents in original confirming requirements of an applicant shall be attached to the claim in cases of:

1) requirement on compensation for a harm inflicted to life or health of a passenger – travel document (ticket) and act concerning an accident;

2) delay of departure or lateness of passenger train, submission of requirement on return of payment for travel – travel document (ticket);

3) loss, violation of delivery dates of luggage, cargo luggage, submission of requirement on return of carriage charge for carriage of luggage, cargo luggage – luggage, cargo luggage ticket;

4) deficiency, damage (waste) of luggage, cargo luggage – luggage, cargo luggage ticket and commercial act;

5) incorrect application of tariff for carriage of passenger, luggage, cargo luggage, wrong determination of weight of luggage, cargo luggage, mistakes in calculation upon determination of carriage charges – travel document (ticket), luggage, cargo luggage ticket;

6) full loss of cargo – receipt on acceptance of cargo with a mark of destination station on non-arrival of cargo and document confirming the quantity and cost of forwarded cargo;

7) deficiency, damage (waste) of cargo – railway bill of lading, commercial act issued by destination station, and documents confirming the quantity and cost of forwarded, deficient, damaged (wasted) cargo.

In case of deficient of cargo, on which the calculations between a sender of cargo and receiver of cargo are performed in recognition of standardize and actual humidity, the claim

shall be attached by documents confirming humidity of cargo upon forwarding and dispensing.

In case of damage (waste) of cargo, upon dispensing of which the markdown or down grading was performed, the claims shall be attached by an act of examination;

8) violations of the delivery dates of cargo – railway bill of lading;

9) excessive payment of tariff – railway bill of lading or receipt on acceptance of cargo for carriage and documents confirming the payment;

10) non-performed carriage – receipt on acceptance of cargo for carriage with a mark of a carrier on return of cargo;

11) excessive payment of charges and fines linked with cargo carriage – documents confirming their crediting and payment;

12) losses, damages of railcars, containers belonged to individuals or legal entities by a carrier – receipt on acceptance of cargo for carriage with a mark of a carrier at the destination station on non-arrival of railcars, containers, technical passports and documents confirming lease or right of ownership.

5. One claim shall not combine requirements on different cases mentioned in this Article.

Claims on compensation for loss, deficiency, waste or damage of cargo shall be submitted separately for each sending.

Upon drawing up of carriage on cargo of one and the same name loaded at one departure station by one sender of cargo to one destination station in the address of one receiver of cargo, submission of one claim for a group of cargo forwarding shall be allowed, on which one commercial act was drawn up by a carrier.

On cargo transferred by route or group sending of cargo, claims shall be submitted according to the quantity of railcars mentioned in commercial act.

In case of excess of delivery date of cargo, the combination of several cargo forwarding shall be allowed in one claim on conditions of arrival of cargo within one day.

Footnote. Article 89 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 89-1. Drawing up of claim

1. It shall be specified in a claim as follows:

1) last name, first name, patronymic (if available) or full name, post details of an applicant of claim, date of its drawing up;

2) circumstances on the basis of which, a claim is applied;

3) requirements of an applicant, sum of claim and its calculation, banking details;

4) list of documents, as well as other facts of evidence attached to a claim.

2. A claim from an individual shall be signed by the applicant with a copy of his identity document attached.

A claim from a legal entity shall be signed by the head of the organization or a person authorized by him/her and certified by a seal.

If the legal entity is a private business entity, the seal is not required to seal the documents

3. In case of issuing receipt on acceptance of cargo to a sender of cargo and invoice to a receiver of cargo by electronic data exchange system, an applicant shall specify a number of sending, date of acceptance of cargo for carriage and registering data of electronic folder of carriage in informational systems of a carrier.

Footnote. The Law is supplemented by Article 89-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (enters into force with 01.01.2015); dated 02.04.2019 № 241-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 90. Terms of submitting a claim

1. Claims arising from contract of carriage may be submitted to a carrier within the limitation period.

Terms of submitting claims shall be calculated in respect of:

1) compensation for loss of luggage, cargo, cargo luggage – upon expiry of seven days from the expiration of limitation period;

2) compensation for deficiency, damage (waste), delay of delivering luggage, cargo, cargo luggage – from the date of dispensing;

3) return of carriage charges, excessive paid for carriage of luggage, cargo, cargo luggage – from the date of dispensing;

4) delay of delivering luggage and cargo luggage – from the date of dispensing;

5) collection of fines for non-fulfillment of accepted application for cargo carriage – upon termination of a term established by the rules of carriage for fulfilling the application.

In other cases – from the date of occurrence of an event constituting a ground for bringing of a suit.

1-1. Date of submitting a claim is a date of delivering a postal matter with the claim to the post office or transfer purposely to a carrier.

If the last date of a term of transferring the claim falls to non-work day, the date of termination of term for transferring the claim is a working day next to it.

2. Carrier shall have the right to consider submitted claim upon expiry of established terms, if he (she) recognizes a reason of missing the claim term as valid.

Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 91. Procedure and terms of considering a claim

1. Claim shall be subject to consideration within monthly term from the date of its receipt. Carrier shall notify an applicant in written on results of considering the claim.

2. It shall be specified in response to a claim:

1) last name, first name, patronymic (if available) or full name, post details of an applicant of the claim, to which the response is directed, date of the claim on which the response is given;

2) in case of recognition of the claim in full or in part, recognized sum and method of satisfying the claim shall be specified;

3) in case of rejecting the claim in full or in part – motives of rejecting with reference to the relevant regulatory legal acts and documents substantiating rejection of the claim;

4) list of documents and other facts in evidence attached to the response.

3. Upon satisfying a claim in a total sum, documents represented by an applicant shall not be returned by a carrier.

In case when a claim is rejected in full or in part, documents received with the claim shall be returned, as well as documents substantiating rejection of the claim shall be directed to an applicant, if the applicant doesn't have them.

4. If a claim is drawn up by an applicant with violation of requirements of this Law, the claim shall be returned to the applicant within the term of no later than ten calendar days from the date of its receipt to a carrier with specification of the reason for its return. Return of such claim is not rejection in its satisfying.

5. Upon satisfying a claim in case of loss or damage of cargo, the sum being subject to compensation shall be determined proceeding from its price mentioned in invoice of a seller or provided by the contract, and in the absence of invoice or specifying price in contract – proceeding from price that shall be collected normally for similar goods upon comparable circumstances.

Together with compensation for damage, carrier shall return carriage charge collected for carriage of lost, deficient, wasted or damaged cargo, if such charge is not included in the cost of cargo.

If cargo is delivered for carriage with declaring its value, then in case of its loss, carrier shall compensate for damage in amount of declared value, and in case of partial loss – proportionally to lost part of cargo.

6. If upon considering a claim it is established that cargo is reforwarded or dispensed to other receiver of cargo upon the application of a sender of cargo or primal receiver of cargo, the claim shall be returned to an applicant with specifying the receiver of cargo to which the cargo is dispensed, or a person upon the application of which, the reforwarding or dispensing of cargo is performed.

Footnote. Article 91 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 132-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 92. Acts

1. Circumstances that may serve as a ground for property responsibility of a carrier, sender (sender of cargo), receiver (receiver of cargo), forwarding merchant or passenger upon carrying out of carriage shall be certified by commercial acts or acts of general form.

Forms of commercial act and act of general form, as well as rules of their drawing up shall be established by the rules of carriage.

2. Carrier shall be obliged to draw up commercial act upon dispensing of luggage, cargo and cargo luggage for satisfying the following circumstances:

1) non-conformance of factual name, as well as weight and quantity of places to data mentioned in carriage document;

2) damage (waste);

3) detection of luggage, cargo or cargo luggage without carriage documents or carriage documents without luggage, cargo or cargo luggage;

4) return of stolen luggage, cargo or cargo luggage to a carrier;

5) non-delivery of cargo by a carrier to the places of unloading (discharge) within twenty four hours after drawing up of documents on dispensing of cargo. In this case, commercial act shall be drawn up only upon request of a receiver of cargo;

6) transfer of luggage, cargo or cargo luggage for sale.

Carrier shall be obliged to make a note on drawing up commercial act in carriage documents.

3. Acts of general form shall be drawn up for satisfying circumstances not provided by paragraph 2 of this Article.

4. Parties participated in drawing up of the act shall not have the right to refuse from its signing. Upon disagreement with the content of the act, parties shall have the right to state their opinion in there.

5. Persons that drew up or signed the act containing untrustworthy information shall bear responsibility established by the legislative acts of the Republic of Kazakhstan.

Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 9 July 2004 No. 596.

Article 93. Limitation periods

1. Suits to a carrier arising from carriage may be submitted in case of full or partial refusal of the carrier to satisfy a claim or in case of non-receipt of a response from the carrier to submitted claim upon expiry of its consideration.

2. Limitation period under the contract of cargo carriage, postal matters – one year, under the contract of carriage of a passenger, luggage, cargo luggage – six months.

3. Limitation period shall be calculated from the following date after occurrence of an event constituting a ground for submission of suits.

Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 12. Final and transitional provisions

Article 94. Information, official paperwork and communication

1. Carrier shall be obliged to provide necessary and trustworthy information on services for carriage to passengers, senders (senders of cargo), receivers (receivers of cargo).

Information on railroad stations, railway stations, in trains and other places of servicing passengers, senders (senders of cargo), receivers (receivers of cargo) shall be provided in state and Russian languages, as well as may be presented in other languages in recognition of the interests of local population.

2. Details on changing the cost of carriage of passengers, luggage, cargo, cargo luggage shall be informed in mass media no later than ten days before their imposition.

3. Official paperwork and communication on railway transport shall be carried out in Kazakh and Russian languages.

Upon carrying out of train traffic, the expressions approved by the authorized body shall be used.

4. Carriage documents and international communications on railway transport shall be carried out in languages determined by the rules of international treaties of the Republic of Kazakhstan.

Footnote. Article 94 as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 94-1. Accounting and reporting

Operators of locomotive traction, railcars, containers and carriers shall be obliged to comply with procedure for accounting and representing reporting established by the authorized body on carriage of passengers, luggage, cargo luggage, cargo and on use of a rolling stock upon carriage.

Footnote. The Law is supplemented by Article 94-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 95. Accounting and reporting time on railway transport

1. Unified accounting and reporting time established by the authorized body shall be applied on railway transport.

2. Accounting and reporting time shall be determined by international treaties of the Republic of Kazakhstan in international communication.

Article 96. Procedure for applying the Law

The Law shall be applied to legal relations arising after its enforcement. On legal relations arising before enforcement, the Law shall be applied to those rights and obligations that shall arise after its enforcement.

Article 97. Applying the legislation due to enforcement of the Law

Regulatory legal acts regulating relations in the scope of railway transport adopted before enforcement of the Law shall be applied in a part that is not inconsistent with this Law.

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