



INDEX OF PARTICIPATION AND INFLUENCE ON LEGISLATIVE ACTIVITY OF KAZAKHSTAN

Almaty, 2019

УДК 34.03-517/519.6

ББК 67.400

Transparency Kazakhstan. Index of participation and impact on the legislative activities of Kazakhstan. - edited by Shiyan O.V., Kazakhstan, Almaty, 2019. 89 p.

The study «Index of participation and impact on the legislative activity of Kazakhstan» is the winner of the Innovation {and Motivation} Data Lab 2019.

This study was made possible thanks to the assistance of the American people through the United States Agency for International Development (USAID). Transparency Kazakhstan is responsible for the content of the publication, which does not necessarily reflect the position of USAID or the US Government, or Internews.

USAID is a leading US government agency that works with the people of Central Asia to promote social and economic well-being.

The results of the study are freely distributed and can be applied in a theoretical analysis of the legislative work of Kazakhstan, the causes of corruption in the legislation, the practice of teaching the course of law, anti-corruption, the development of programs and legislation to reduce the negative impact of corruption on society.

CONTENTS

INTRODUCTION	5
CHAPTER 1. DYNAMICS OF LEGISLATIVE ACTIVITY IN KAZAKHSTAN	9
CHAPTER 2. ANALYSIS OF PARTICIPATION AND INFLUENCE ON LEGISLATIVE ACTIVITY OF KAZAKHSTAN	12
2.1. AGRICULTURE (1 650 DRAFT NORMATIVE ACTS)	18
Quantitative analysis of participation in the discussion of draft legal acts	18
Qualitative analysis of participation in legislative activities	22
Index of participation and impact on legislative activities in the field of agriculture	24
2.2. ELECTION LAW (285 DRAFT NORMATIVE ACTS)	25
Quantitative analysis of participation in the discussion of draft legal acts	25
Qualitative analysis of the impact on legislative activities	27
Index of participation and impact on legislative activities in the field of electoral law	29
2.3. TRANSPORT (507 DRAFT LEGAL ACTS)	30
Quantitative analysis of participation in the discussion of draft legal acts	30
Qualitative analysis of the impact on legislative activities	34
Index of participation and impact on legislative activities in the field of transport	35
2.4. HISTORICAL AND CULTURAL HERITAGE (5 DRAFT NORMATIVE ACTS)	36
Quantitative and qualitative analysis of participation in the discussion of draft legal acts	36
Index of participation and impact on legislative activities in the field of historical and cultural heritage	47
2.5. SPORT (56 DRAFT NORMATIVE ACTS)	38
Quantitative analysis of participation in the discussion of draft legal acts	38
Qualitative analysis of the impact on legislative activities	40
Index of participation and influence on legislative activity in the field of sports	41
2.6. STATE AUTHORITIES OF BRANCHES OF AUTHORITY (6 DRAFT LEGAL ACTS)	42
Quantitative and qualitative analysis of participation in the discussion of draft legal acts	42
Index of participation in legislative activities in the field of redistribution of power	43
2.7. HOUSING AND COMMUNAL SERVICES (51 DRAFT LEGAL ACTS)	44
Quantitative analysis of participation in the discussion of draft legal acts	44
Qualitative analysis of the impact on legislative activities	47
Index of participation and impact on legislative activity in the housing sector	48
2.8. HEALTHCARE (247 DRAFT NORMATIVE ACTS)	49
Quantitative analysis of participation in the discussion of draft legal acts	49
Qualitative analysis of the impact on legislative activities	52

Health Involvement and Impact Index on Legislation	54
2.9. PAYABILITY AND BANKRUPTCY OF CITIZENS (7 DRAFT LEGAL ACTS)	55
Quantitative and qualitative analysis of participation in the discussion of draft legal acts	55
Index of participation and influence on legislative activity in solvency and bankruptcy of citizens	56
2.10. BUDGET, TAXES AND FINANCE (1 995 DRAFT LEGAL ACTS)	57
Quantitative analysis of participation in the discussion of draft legal acts	57
Qualitative analysis of the impact on legislative activities	66
Index of participation and impact on legislative activities in the field of budget, finance and taxes	67
2.11. ECOLOGY (150 DRAFT LEGAL ACTS)	68
Quantitative analysis of participation in the discussion of draft legal acts	68
Qualitative analysis of the impact on legislative activities	71
Index of participation and impact on legislative activities in the field of ecology	74
2.12. PROCEDURAL LEGISLATION (2 DRAFT LEGAL ACTS)	75
Quantitative and qualitative analysis of participation in the discussion of draft legal acts	75
Index of participation and impact on legislative activities in the field of administrative-procedural legislation	75
2.13. LICENSE ACTIVITY AND GAMING BUSINESS (2 DRAFT LEGAL ACTS)	76
Quantitative and qualitative analysis of participation in the discussion of draft legal acts	76
Index of participation and influence on the legislative activity in the field of gambling	77
CHAPTER 3. INDEX OF PARTICIPATION AND INFLUENCE ON THE LEGISLATIVE PROCESS IN KAZAKHSTAN	78
CHAPTER 4. CONCLUSIONS AND RECOMMENDATIONS	83
CHAPTER 5. INSTRUCTIONS FOR PARTICIPATION IN KAZAKHSTAN'S LEGISLATIVE ACTIVITY	85

INTRODUCTION

«Laws should have the same meaning for everyone»

Charles Louis Montesquieu

In the spring of 2016, in Kazakhstan was adopted the Law «On Legal Acts», aimed at regulating the process of development and adoption of legal acts. Article 18 of this law stipulates the obligation of the state body of the developer to conduct public discussions with the population of Kazakhstan before agreeing with other government bodies, the public council or parliament.

In the summer of 2016, were regulated the rules for posting and public discussion of projects on the Internet portal of the Electronic Government «Open Government» - «Open regulatory legal acts». This portal was launched at the end of 2015 and it provides the ability to track projects by category, central and local authorities-developers.

The public discussion period is at least 10 working days from the date the project is posted on the portal, during which anyone can use the electronic digital signature (EDS) to leave a comment or vote «for» or «against» the proposed short stories.

For projects affecting the interests of business entities, the approval of the business association of the «Atameken» National Chamber of Entrepreneurs is necessary. Thus, the authorities of Kazakhstan provided the opportunity for civil participation in the legislative activities of the country.

However, from the beginning of the norm, the analysis of participation in public discussions was not carried out, despite the fact that annually in Kazakhstan from 20 to 70 new laws and about 10,000 - 15,000 amendments to regulatory acts of various levels are adopted: decrees, codes, laws, decrees, orders, standards and regulations of public services at the republican and regional levels.

There are no studies in Kazakhstan about the real situation with the legislative activity of the population of Kazakhstan. There are no measurements about the demand for the Open Dialog resource among citizens to express an opinion on changes proposed by state bodies at the state, oblast, district and local community level.

Goals and objectives of the study

- to analyze the level of participation and the real level of influence of citizens, NGOs, associations of small and medium-sized businesses, consulting companies on the legislative process in Kazakhstan,

- to inform citizens about the opportunities to participate in the discussion of amendments having a direct and indirect impact on their lives through the development of instructions for using government portals. The training component should be aimed at improving legal literacy in conditions of limited democracy in Kazakhstan, which corresponds to the 16 Sustainable Development Goals of the UN,
- to write recommendations for government bodies to improve the quality of legislative activity, including the regulation of the concept of lobbying in Kazakhstan, which is recommended by the OECD Anti-Corruption Network, evaluated by Transparency International and GRECO.

Objects of analysis

This study analyzed the proposals received on the Open Government portal «Open regulatory legal acts», on which citizens can leave comments and suggestions on bills, as well as the database of draft laws of the National Chamber of Entrepreneurs «Atameken», on which business associations leave their proposals and business entities in Kazakhstan.

In accordance with the plan of legislative work of the Government of the Republic of Kazakhstan for 2018, 9 ministries of Kazakhstan should develop 18 laws, as well as by-laws in the following areas of public relations:

1. Agriculture
2. Voting rights,
3. Transport
4. Historical and cultural heritage,
5. Licensing and gambling,
6. Housing and utilities,
7. Taxation
8. Health,
9. Procedural procedural legislation,
10. The republican budget
11. Sports
12. Ecology,
13. The redistribution of power.

Study sources

1. Open Government Portal «Open regulatory legal acts»

The state agency-developer is obliged to publish a draft legal act for public discussion for 10 working days, where anyone can leave their suggestions, comments, comments, if there is an EDS. The portal allows to unload legal acts by:

- categories of public relations (health, education, taxes, etc.),

- central government bodies (Ministry of Health, Ministry of Education and Science, Ministry of Finance, etc.),
- regions (14 regions, 3 cities of republican significance).

2. Website of the National Chamber of Entrepreneurs «Atameken»

RLA projects affecting business issues must be approved by the «Atameken» scientific and production enterprise, of which all business entities in Kazakhstan are members.

The discussion is carried out within 10 working days, associations send their proposals, «Atameken» collects it and decides which of the proposals will be sent to the state agency-developer. The architecture of the site allows you to upload documents:

- by relevance, by legal force, by date of publication and amendment,
- by category, alphabetically and by keyword,
- answers of «Atameken», arguments of state residents to proposals of «Atameken».

3. The official Internet resource of the Parliament of the Republic of Kazakhstan

A package of documents with the accepted proposals of citizens is published on the website of the lower and upper chambers of the Parliament - the Majilis and the Senate. The site allows to download a bill and a certificate with the accepted proposals at the stage of public discussion, as well as proposals on which the rationale is given.

4. Reference control bank of the legal acts of the Ministry of Justice of the Republic of Kazakhstan

The state agency-developer, after registering the legal acts with the Ministry of Justice, must publish the final version on the website of the Reference Control Bank within 10 days. The portal allows you to unload legal acts on:

- categories of legal acts (new, additions, loss),
- central government bodies (Ministry of Health, Ministry of Education and Science, Ministry of Finance, etc.),
- Regions (14 regions, 3 cities of republican significance),
- by date of adoption,
- by keywords.

Research methodology

To determine the participation index and impact on the legislative activity in Kazakhstan, it will be carried out a detailed analysis of the legislative work in 13 areas of public relations, according to which it was envisaged to adopt new 18 laws.

To do this, at the first stage, will be analyzed the activity of citizens in the discussion of draft legal acts by sectors, regions, ministries, months and types of legal acts.

Based on what will be ***determined the index of citizen participation in legislative activities***, which is calculated by the formula: (number of commented draft legal acts * 100%) / number published for public discussion of legal acts.

$$\frac{\sum \text{amount of commented draft legal acts} * 100\%}{\sum \text{amount of published draft legal acts}}$$

Next, will be determined ***an index of readiness of state bodies of developers to discuss proposals and comments of citizens***. It is calculated according to the formula: (number of comments for which correct explanations are given + accepted comments * 100%) / number of comments received.

$$\frac{(\sum \text{amount approved comments} + \sum \text{amount of comments with correct answers from government agencies}) * 100\%}{\sum \text{amount of comments received}}$$

Within the framework of a qualitative analysis, it will be analyzed which of the proposals received during the public discussion of draft legal acts have been taken into account by the developing government bodies, and have also been accepted into the work of the Parliament of Kazakhstan and included in the final edition of the regulations registered by the Ministry of Justice of Kazakhstan and published in the Reference Control Bank normative acts.

Based on the obtained data, it will be derived ***the index of influence on the legislative activity of Kazakhstan*** according to the formula: (Number of proposals included in the final normative acts / Number of accepted comments * 100%) * (number of approved legal acts / number of legislative acts on which the proposals were approved * 100%) / 100 %

$$\left(\frac{\sum \text{amount of approved proposals}}{\sum \text{amount of approved proposals}} * 100\% \right) * \left(\frac{\sum \text{amount of approved regulatory acts}}{\sum \text{amount of legal entities for which they approved the proposals}} * 100\% \right) / 100\%$$

To make a rating, 1% of the data obtained is equal to 1 point. Depending on the points scored is determined the degree of participation or influence on the legislative process:

0-25 points - low degree of participation / influence on lawmaking,

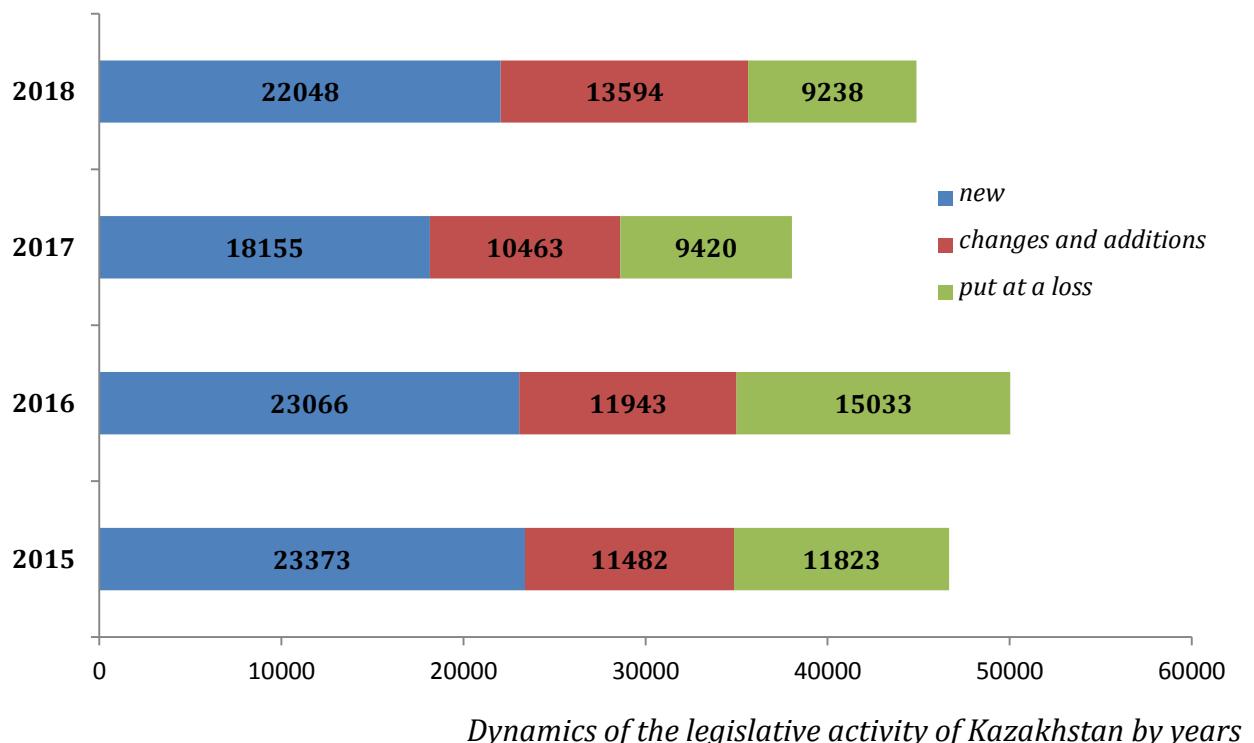
25-50 points - a degree below the average participation / impact on lawmaking,

50-75 points - the average degree of participation / influence on lawmaking,

75-100 points - a high degree of participation / influence on lawmaking.

CHAPTER 1. DYNAMICS OF LEGISLATIVE ACTIVITY IN KAZAKHSTAN

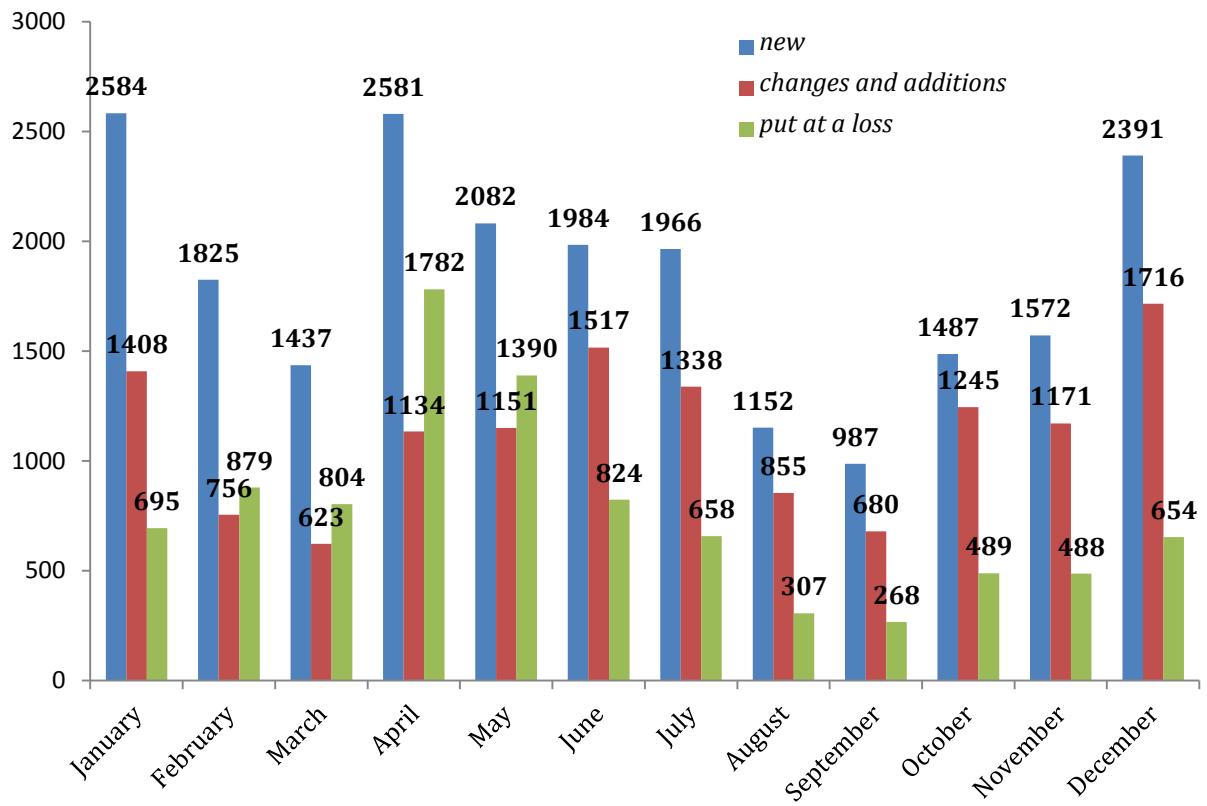
Since the beginning of the portal «Open regulatory legal acts» operation, for the period 2015-2018, the state bodies of Kazakhstan have worked out **179 638** regulatory legal acts, having adopted 86 642 new regulatory acts, changes and additions were made to 47 482 legal acts, and 45 514 were put to loss.



In 2018, according to the reference control bank of the regulatory legal acts of the Ministry of Justice of Kazakhstan, **44 880** legal acts were in operation, of which **22 048** legal acts were adopted for the first time, **13 594** - were amended and supplemented, **9 238** - were subject to loss¹.

In order to accept such a number of legal acts, state bodies had to propose 123 public new laws for public discussion on a daily basis, which in principle represents a large amount not only for citizens to submit comments and suggestions, but also for studying it. And given that the proposed draft legal acts are accompanied by comparative tables, reference statements prepared by a legal language that is difficult for a simple layman to understand, the task of civic participation in legislative activity is complicated at times.

¹ <http://zan.gov.kz/ru/>



The status of the legal acts by the months of 2018

Every month, at the legislative level, about 1 837 new regulatory acts were adopted, 1 132 regulatory acts were subject to change and addition, and 769 legal acts were to be lost. The peak of the adoption of new normative acts occurred in January 2018 - 2 584, amendments to December - 1 517, termination of regulations for April - 1 782.

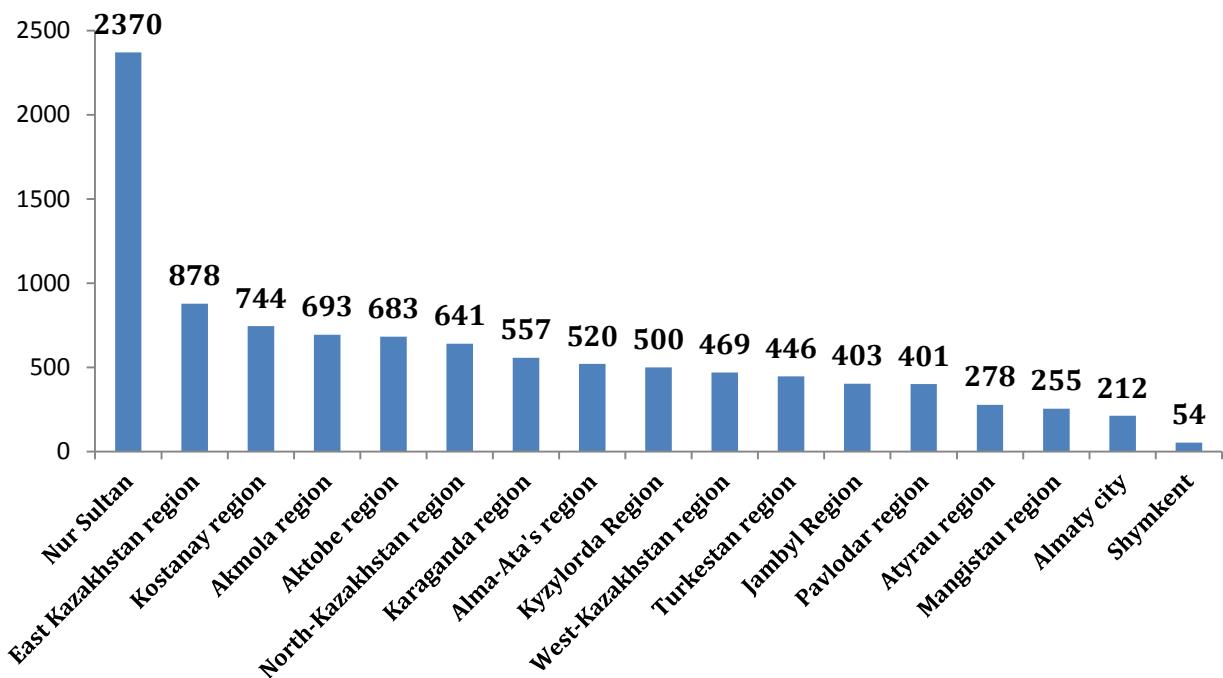
In 2018, local executive bodies worked out **10 104** normative acts, including 7 983 new normative acts adopted, amendments to 1 049 normative acts were made, 1 074 normative acts were put to loss.

Nº	City, region	New Laws	Normative legal acts as amended and supplemented	Normative legal acts that have lost validity	TOTAL
1	Nur Sultan	2032	243	95	2370
2	Almaty city	174	26	12	212
3	Shymkent	46	5	3	54
4	Akmola region	542	82	71	693
5	Alma-Ata's region	426	55	39	520
6	Aktobe region	570	50	63	683
7	Atyrau region	215	21	42	278
8	East Kazakhstan region	470	102	306	878
9	Jambyl Region	354	37	12	403
10	West-Kazakhstan region	285	30	154	469

11	Karaganda region	455	53	49	557
12	Kostanay region	624	82	38	744
13	Kyzylorda Region	402	63	35	500
14	Mangistau region	226	20	9	255
15	Pavlodar region	311	40	50	401
16	North-Kazakhstan region	487	96	58	641
17	Turkestan region	364	44	38	446
	TOTAL	7 983	1 049	1 074	10 104

The state of regulatory legal acts in the regional context for 2018

In the regional context, the largest number of regulations has been worked out in the city of Nur-Sultan, East Kazakhstan, Kostanay, Akmola, Aktobe, North Kazakhstan regions. These 6 regions account for half of all normative legal acts developed by local executive bodies in 2018.



Dynamics of work with regulatory legal acts in the regional context for 2018

The leaders in the development of *new regulatory legal acts* were the city of Nur-Sultan, Kostanay and Aktobe regions. Most often, *changes and additions* were made to Nur-Sultan, East Kazakhstan, Akmola and Kyzylorda regions. *At a loss*, more than the rest sent regulatory legal acts in the East Kazakhstan, West Kazakhstan regions and the city of Nur-Sultan.

CHAPTER 2. ANALYSIS OF PARTICIPATION AND INFLUENCE ON LEGISLATIVE ACTIVITY OF KAZAKHSTAN

In order to conduct a quantitative analysis of the participation of citizens and legal entities in legislative activities, Transparency Kazakhstan experts were guided by the legislative plan of the Government of Kazakhstan for 2018.

In accordance with this plan, 9 ministries were obliged to develop and submit 18 laws to the parliament, as well as independently approve the by-laws necessary for their implementation in the form of rules, standards, and regulations².

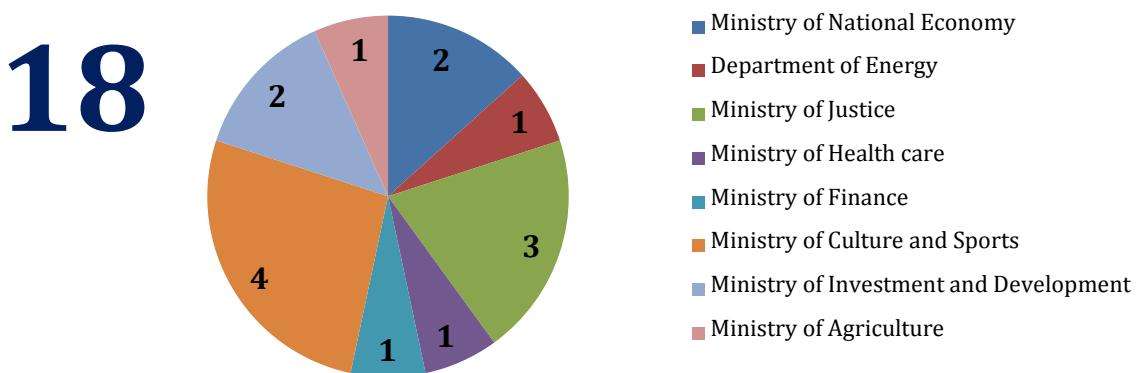
Nº	The name of the bill	Government Authority Developer
1.	On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of safety of hydraulic structures	Ministry of Agriculture
2.	On amendments and additions to the Constitutional Law of the Republic of Kazakhstan «On Elections in the Republic of Kazakhstan»	Ministry of Justice
3.	On amendments and additions to some legislative acts of the Republic of Kazakhstan on transport issues	Ministry of Investment and Development
4.	On amendments and additions to some legislative acts of the Republic of Kazakhstan on gambling business	Ministry of Culture and Sports
5.	On the protection and use of objects of historical and cultural heritage	Ministry of Culture and Sports
6.	On amendments and additions to some legislative acts of the Republic of Kazakhstan on the protection and use of historical and cultural heritage	Ministry of Culture and Sports
7.	On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on housing and communal services	Ministry of Investment and Development
8.	About restoration of solvency of citizens of the Republic of Kazakhstan	Ministry of Finance
9.	On amendments and additions to some legislative acts of the Republic of Kazakhstan on the issues of restoring the solvency of citizens of the Republic of Kazakhstan	Ministry of Finance
10.	On making amendments and additions to some legislative acts of the Republic of Kazakhstan on health issues	Ministry of Health care

² План законопроектных работ на 2018 г. <http://www.adilet.gov.kz/ru/articles/plan-zakonoproektnyh-rabot-pravitelstva-respubliki-kazakhstan-na-2018-god>

11.	Administrative Procedure Code	Ministry of Justice, Supreme Court
12.	On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on administrative procedural legislation of the Republic of Kazakhstan	Ministry of Justice, Supreme Court
13.	About the guaranteed transfer from the National Fund of the Republic of Kazakhstan for 2019 - 2021	Ministry of National Economy
14.	About the republican budget for 2019 - 2021	Ministry of Finance
15.	On making amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of physical education and sports	Ministry of Culture and Sports
16.	On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on the issues of improving rehabilitation and bankruptcy procedures	Ministry of Finance
17.	On amendments and additions to some legislative acts of the Republic of Kazakhstan on the regulation of greenhouse gases and ozone-depleting substances	Department of Energy
18.	On amendments and additions to some legislative acts of the Republic of Kazakhstan on the redistribution of powers between levels of government	Ministry of National Economy

The plan of legislative work of the Government of the Republic of Kazakhstan for 2018

The developers of these 18 projects were 8 ministries, and the Supreme Court was invited to coordinate two projects.



Conventionally, these 18 laws are included in 13 areas of public relations. In these areas, in 2018, in addition to the legal acts provided for by the legislative work plan, **4 963** draft legal acts were submitted for discussion.

In particular:

1. Agriculture – 1 650 draft regulatory legal acts ³
2. Voting rights - 285
3. Transport - 507
4. Historical and cultural heritage - 5
5. Licensing and gambling - 2
6. Housing and utilities - 51
7. Budget, taxation, finance - 1 995
8. Health care - 247
9. Procedural procedural legislation - 3
10. Solvency of citizens - 7
11. Sports - 56
12. Ecology - 150
13. The redistribution of power - 6.

In total, for public discussion in 2018, taking into account the above 4960 draft legal acts for public discussion, **15 936** bills were published in the following areas⁴:

- 14 Information technology - 239
15. Immigration, migration, citizenship - 103,
16. Family - 22
17. Education - 934
18. Employment and employment - 626
19. Social security - 1,469
20. Real estate - 256
21. Legal assistance - 2,048
22. Sports and tourism - 120
23. Military registration and security - 269
24. Natural resources and ecology - 733
25. Intellectual property - 39
26. Registration and business development - 47
27. Industry - 378
28. Culture, religion of the media - 609
29. Economics – 3 597.

The developers of draft legal acts published in 2018 for public discussion were:

1. Presidential Administration - 1
2. Agency for Civil Service Affairs - 34
3. The Supreme Court - 5
4. The High Judicial Council - 2
5. The Prosecutor General's Office - 45

³ Далее в перечислениях подразумевается также проектов НПА

⁴<https://legalacts.egov.kz/Application/advancedSearch?page=1594&searchType=EXACT&pastBeginDate=01.01.2018&pastEndDate=31.12.2018>

6. National Security Committee - 54
7. Constitutional Council - 3
8. Ministry of the Interior - 186
9. Ministry of Health - 172
10. Ministry of Industry and Information Development - 614
11. Ministry of Foreign Affairs - 47
12. Ministry of Information and Communications - 110
13. Ministry of Information and Public Development - 37
14. The Ministry of Culture and Sports - 157
15. Ministry of National Economy - 350
16. Ministry of Defense - 75
17. Ministry of Education and Science - 326
18. Ministry of Labor and Social Protection - 145
19. Ministry of Finance - 486
20. Ministry of Digital Development - 77
21. Department of Energy - 278
22. Ministry of Justice - 180
23. National Bank - 21
24. Foreign Intelligence Service - 6
25. Counting Committee - 24
26. Office of the President - 1
27. Central Election Commission – 17

At the level of local executive bodies:

28. Akimat of Nur Sultan - 100
29. Akimat of Almaty - 94
30. Akimat of Shymkent - 25
31. Akimat of Akmola region - 1,049
32. Akimat of Aktobe region – 989
33. Akimat of Almaty region – 795
34. Akimat of Atyrau region – 387
35. Akimat of the East Kazakhstan region – 1 126
36. Akimat of Zhambyl region – 625
37. Akimat of the West - Kazakhstan region – 632
38. Akimat of the Karaganda region – 771
39. Akimat of the Kostanay region – 1 286
40. Akimat of Kyzylorda region - 622
41. Akimat of the Mangystau region - 422
42. Akimat of Pavlodar region - 812
43. Akimat of the North Kazakhstan region - 1017
44. Akimat of Turkestan region - 637.

The leaders in the number of draft legal acts submitted for public discussion were the akimats of Kostanay, East Kazakhstan, North Kazakhstan, Akmola oblasts, the Ministry of Industry and Information Development and the Ministry of Finance.

In the context of the **types of legal acts for public discussion**, the following was submitted:

- 7903 draft decisions of akimats
- 4700 draft resolutions of ministries and akimats
- 2447 draft orders
- 295 draft regulations for the provision of public services
- 268 draft standards for the provision of public services
- 117 draft regulatory impact analyzes
- 86 draft laws
- 82 draft laws concept
- 55 draft decrees
- 35 draft orders
- 13 draft regulations on the activities of state bodies
- 10 draft international agreements
- 7 draft reports.

A quantitative analysis indicates that the main burden on legislative activity is on regional akimats, which, after the development of the legislative acts by the central ministries, are required to adopt by-laws in these areas of activity. This fact negatively affects the quality of the developed projects.

A detailed analysis showed that, on average, one bill of a regional or district level was put up for public discussion 2-4 times, which was due to comments by participants in public discussions of a technical nature, such as incorrectly formed links, dates, reference legal acts, grammatical and stylistic errors.

But even without taking this factor into account, **2 times less bills were submitted for public discussion than adopted laws in 2018**. So, in 2018, 15 936 draft normative acts were submitted for public discussion, even if we take into account all the bills submitted earlier for public discussion in 2017 (13 127 draft legal acts were submitted in 2017), then their number is less than those adopted in 2018 - **44 880** normative legal act.

Additionally reduces the possibility of participating in a public discussion of draft legal acts:

1. An incomplete and generalized list of areas of activity on the portal «Open regulatory legal acts». For example, bills of law enforcement agencies are published in the section «military registration and security», which is not on the front page of the portal in the section «Categories».

2. Publication of draft local budgets on the portal «Open regulatory legal acts», and not on the «Open budgets» portal, which is usually contacted by users who want to participate in the discussion of draft local budgets.

2.1. AGRICULTURE (1 650 draft normative acts)

Quantitative analysis of participation in the discussion of draft legal acts

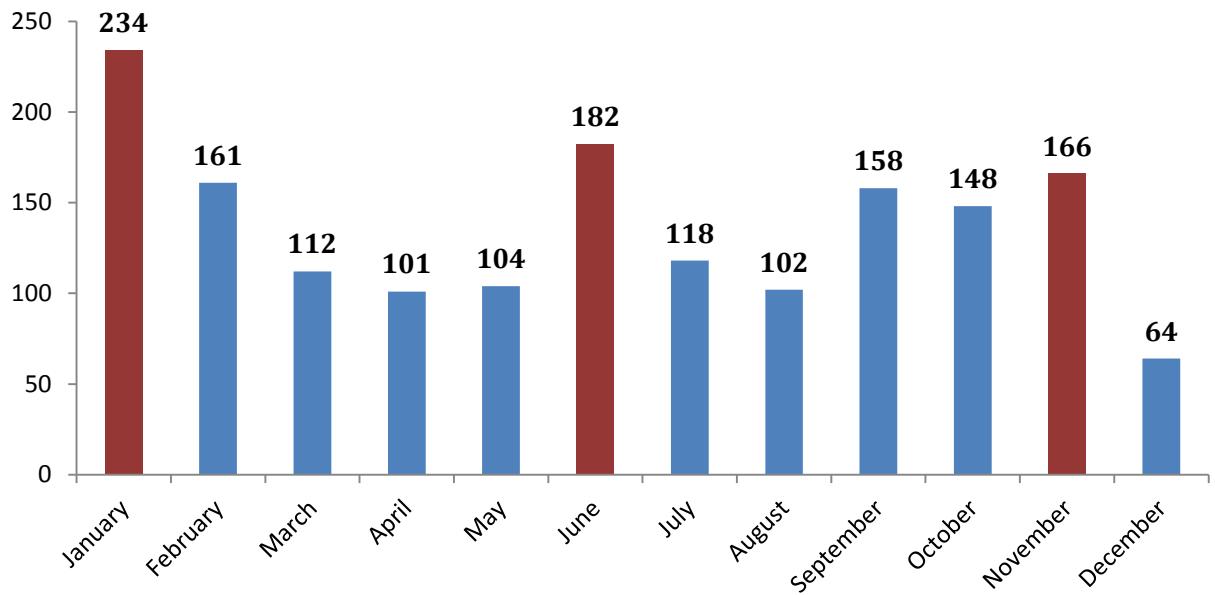
In the field of agriculture, according to the plan of legislative work for 2018, it was supposed to adopt 1 law: «On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on the Safety of Hydraulic Structures».

In addition to the 1 law stipulated by the plan, **1650** draft legislative acts in the field of agriculture were submitted for public discussion in the legislative work at the republican and regional levels. By types of legal acts, these were laws, concepts to laws, decrees, orders, standards and regulations of public services.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	2	0	0
2.	Concept	7	2 to 2 projects	2
3.	Regulatory Impact Analysis	16	7 to 7 projects	7
4.	Decision - developer central government agency	121	9 to 7 projects	4
5.	Decision - Developer Local Executive	510	231 to 152 projects	170
6.	Regulation on the state agency	1	3 to 1 project	0
7.	Order of the central state body	203	131 to 72 projects	57
8.	Order of the central state body	2	0	0
9.	International agreement	2	1	0
10.	Decision of the local executive body	665	293 to 166 projects	183
11.	Public Service Standard	71	70 to 34 projects	46
12.	State service regulations	50	36 to 20 projects	28
13.	TOTAL	1 650	783 to 462 projects	497

The dynamics of public discussion of draft legal acts in the field of agriculture

On a monthly basis, users of the portal «Open regulatory legal acts» were invited to participate in the discussion of about 100 draft regulatory legal acts in the field of agriculture, the largest number of which occurred in January, June and November 2018.



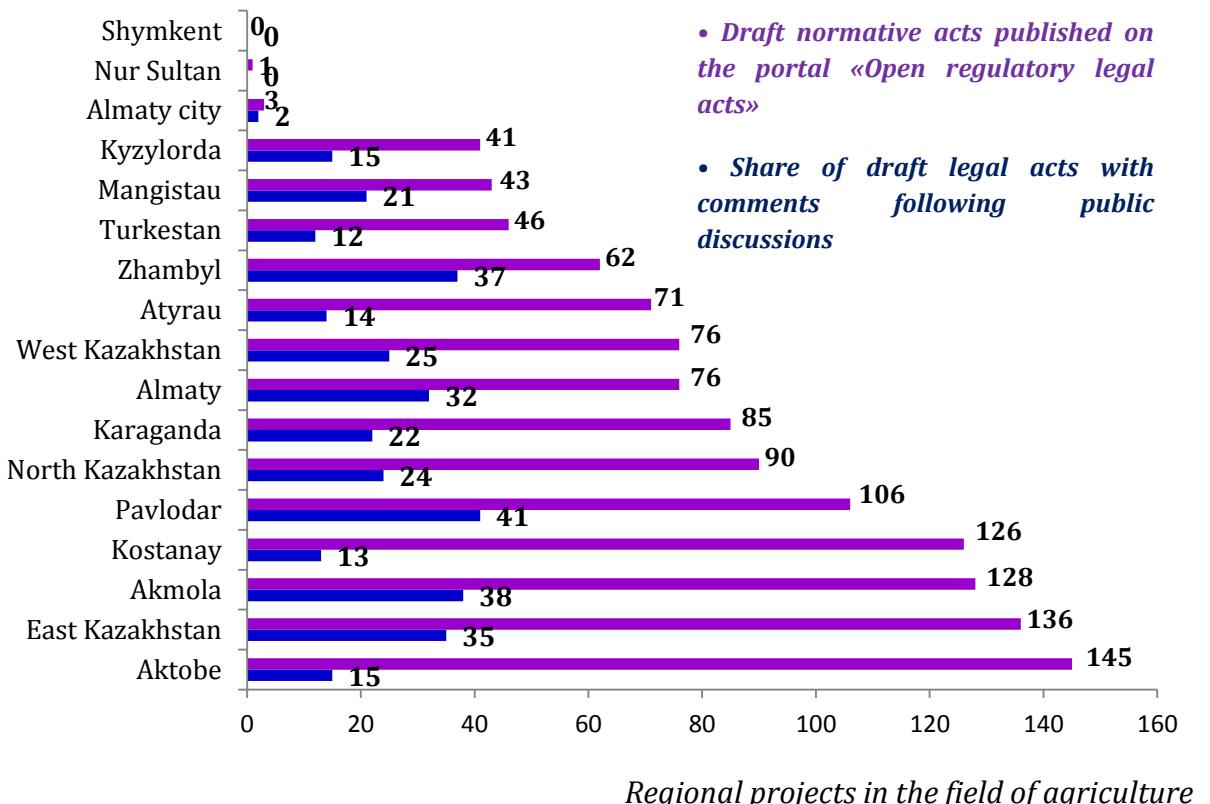
Publication of draft legal acts on the portal in the field of agriculture for months

At the level of central government bodies, the developer of 408 draft legal acts was the Ministry of Agriculture, and the first was the Ministry of Energy and the National Economy.

In the regional context, more often than others, draft legal acts developed by the Akimats of Aktobe, East Kazakhstan, Akmola, Kostanay, Pavlodar, North Kazakhstan, and Karaganda regions were submitted for public discussion. The Akimats of Almaty, Nur-Sultan, and none of Shymkent developed the least legislative projects in the field of agriculture.

A quantitative analysis showed that out of 1 650 draft legal acts in the field of agriculture, **28% (462)** of them received comments. A total of **783** comments were received from users of the «Open regulatory legal acts», **63% of them (497 to 308 projects)** of which government agencies provided explanations.

Minimal participation in the discussion of draft legal acts is observed in the Aktobe, East Kazakhstan, Akmola and Kostanai regions, despite the fact that these regions proposed bills for public discussion more than others. The number of comments on one document varies between 1-30, but two-thirds do not exceed 1 comment.



By types of legal acts, the largest number of comments was received on draft standards (47.8%) and public service regulations (40%), orders of the ministry (35.4%). Less than a third of comments were received on the most frequently developed draft resolutions (29.8%) and decisions (24.9%) of akimats.

A detailed analysis showed that 13 comments were received on the bill provided for by the plan, on the draft amendment of the Ministry of Agriculture - 9 orders, on the draft decision of the Akimat of Zhambyl Oblast to increase the tax rates of land tax in the area of them. T. Ryskulova - 8. 3 comments were received for 7 comments:

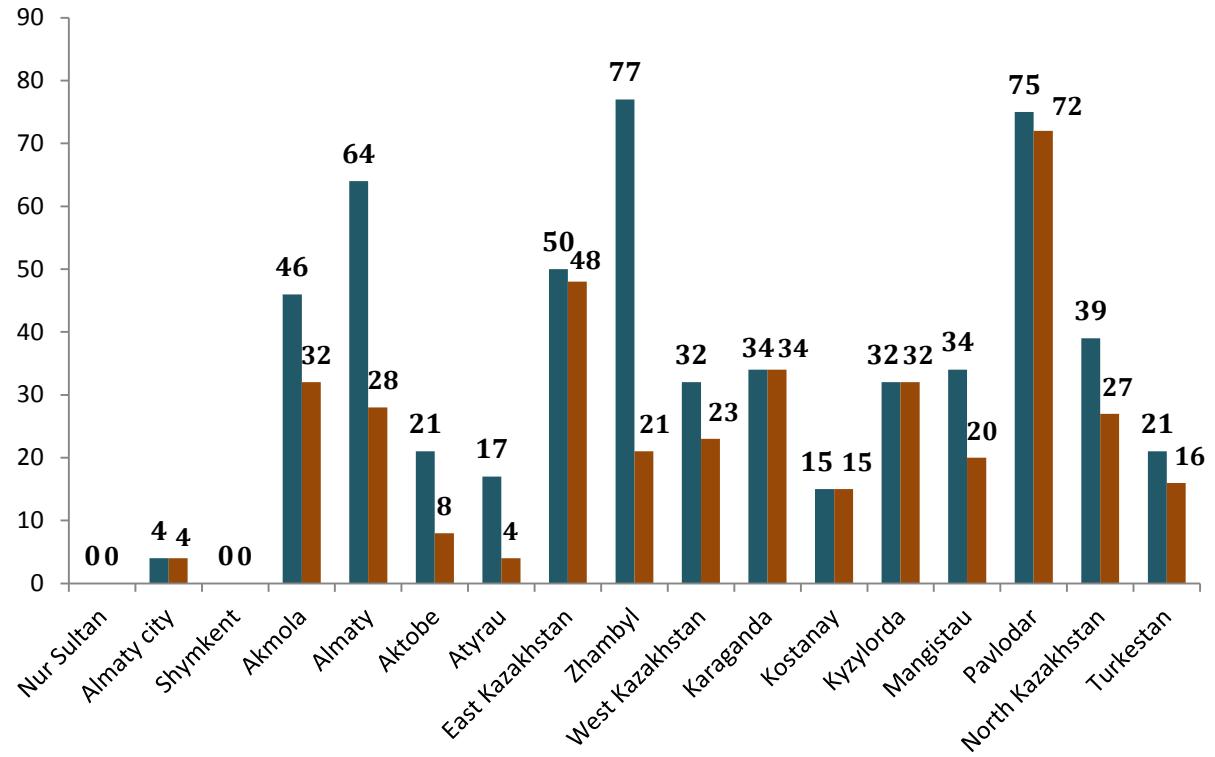
- decisions on the loss of restrictive measures in the village of Shalkhiya, Kyzylorda region,
- decisions of the Mangistau and Almaty regions on amendments to the regulation of public services on subsidizing interest rates for lending to agriculture.

In the regional context, more comments were received on draft legislative acts developed by the akimats of Zhambyl, Pavlodar and Almaty regions, the smallest were on draft legislative acts of cities of republican significance, Kyzylorda and Atyrau regions, while in the Zhambyl region fewer draft laws were published for discussion than in Atyrau region.

- *Draft normative acts published on the portal «Open regulatory legal acts»*

- *Share of draft legal acts with comments following public discussions*

- *Comments of participants in public discussions of draft legal acts*
- *Responses of government agencies developing draft legal acts to comments*



Comments and remarks on draft regulations in the field of agriculture

At the same time, on the part of the authorities, the interaction with the participants in the public discussion on the portal «Open regulatory legal acts» was carried out in different dynamics. So, all the comments of participants in public discussions of draft normative legal acts were reacted by state bodies of the city of Almaty, Karaganda, Kostanai and Kyzylorda regions.

More than half of the comments were commented by state bodies of Akmola, East Kazakhstan, Mangistau, Pavlodar, North Kazakhstan and Turkestan regions. Least of all were the comments of participants in public discussions in the Aktobe, Atyrau and Zhambyl regions.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the field of agriculture showed the following:

1. In the field of agriculture, a high degree of norm-setting is observed, the leaders are 5 regions of Kazakhstan, which developed more than 100 draft legal acts in 2018. Moreover, in these areas there is a low degree of civic participation in the discussion of bills. But on the part of the authorities there is a high degree of interest in studying and responding to comments received.

2. The degree of civic participation does not depend on the number of proposals proposed by the authorities to discuss draft legal acts and generally remains low. In Aktobe, Atyrau and Almaty regions, authorities take into account less than half of the comments received during the public discussion of draft legal acts.

Qualitative analysis of participation in legislative activities

A quantitative analysis of the participation of citizens in the discussion of draft legal acts in the field of agriculture showed that during 2018, government development agencies responded to 497 (308 projects) out of 783 comments and suggestions from participants in public discussions.

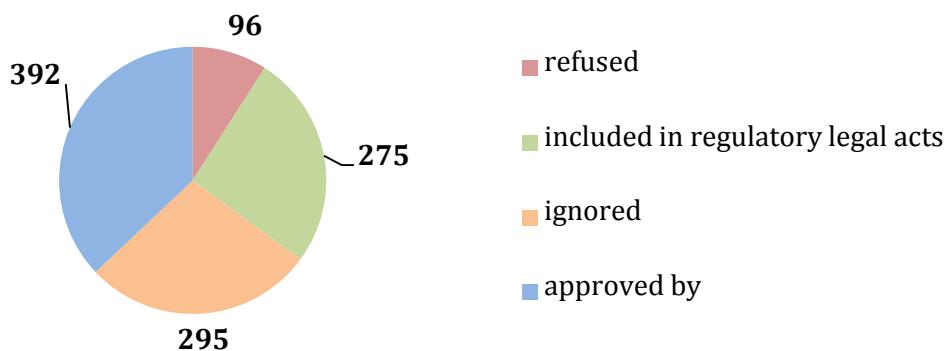
A study of the responses of state bodies showed that almost all technical comments regarding errors in the drafting of texts of draft legal acts, links to other norms and violation of the terms of public discussion on the portal were proposed by one person, few conceptual proposals came from 3 people and 2 companies.

From **783** comments to **462** draft legal acts:

- **295** (37%) were left unanswered,
- **96** (12%) comments on **67** draft legal acts were rejected, including 9 given explanations, 3 - the questions were drawn up incorrectly, and 3 more - the answers of state development agencies did not correspond to the subject of the question,
- **392** (50%) comments on **264** draft legal acts were approved and accepted for work, *of which*:
- **275** (35%) of proposals and comments were included in the approved **192** regulatory acts,
- **17** (2%) draft legal acts on user recommendations were not accepted by the authorities and were not put into effect.

Regarding the types of normative acts, it is worth noting that the proposals were accepted for subordinate types of regulatory legal acts, as orders, standards and regulations.

In the context of central and regional state bodies, the degree of influence on the legislative activity of citizens can be estimated as average.



Analysis of work with proposals of citizens in the field of agriculture

The most common mistakes of developers were the publication of the project without attachment of documentation, violation of the terms of public discussion, errors in the design of the requisite part of the documents, terms of adoption of the legal acts, grammatical and stylistic errors. It is worth noting that government authorities did not always provide correct explanations for user comments.

Nº	Draft law	Commentary by a participant in a public discussion of a draft regulatory legal act	Response of the state body-developer of the draft regulatory acts
1	On amendments to the order of the Minister of Agriculture of the Republic of Kazakhstan dated May 6, 2015 No. 4-2 / 419 «On approval of the standard of the public service» Subsidizing the development of seed production <i>«developer Ministry of Agriculture»</i>	What caused the entry into force of this order from January 1, 2019?	The order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan dated October 18, 2018 No. 427, providing for amendments to the Rules for subsidizing the development of seed production with regard to the transition to a new mechanism for subsidizing seed production, as well as automating the process of issuing subsidies for the development of seed production, is introduced in Effective January 1, 2019.
2	On the action plan for 2017-2018 on pasture management and their use in the Shet district- <i>developer Karaganda region, public comment period - January 2018</i>	Already at the end of 2017, is there any reason to approve the Plan under consideration for this calendar year?	This draft decision of the Shetsky district Maslikhat was developed in accordance with Article 13 of the Law of the Republic of Kazakhstan «On Pastures». Relevant data (documents) submitted by state bodies was compiled or approved for the current

			calendar year.
3	Plan of measures for the management and use of pastures in the Abay district for 2018-2019- <i>developer of maslikhat of the East Kazakhstan region</i>	Only the staged part of the draft decision is posted on the Portal. And where is the approved Action Plan?	Good afternoon!! NAP project The Decision as well as the annex to the draft NAP (Action Plan) will be posted again in the coming days as the annex to the project (Action Plan) is currently at the development stages. Thank you for your interest and comment ...

Examples of incorrect answers from government agencies on draft legal acts in the field of agriculture

Thus, we can conclude that in the field of agriculture, government agencies, draft law developers, listen to technical comments.

Index of participation and impact on legislative activities in the field of agriculture

The users of the portal «Open regulatory legal acts» commented on 28% (462 of 1 560) draft regulatory acts in the field of agriculture. State bodies, developers of draft regulatory legal acts, responded to 63.5% (497 out of 783) of the comments.

The index of participation in the discussion of bills in the field of agriculture will be **28 points**.

From the point of view of the state bodies developing NLA, readiness to discuss proposals and comments will be **51 points**.

Of the 783 comments, government development agencies approved 50% (392) of the comments received, of which 35% (275) included 192 regulations, another 17 (2%) draft legal acts were not adopted by the authorities and were not put into effect by user recommendations.

The impact index on legislative activities in the agricultural sector of Kazakhstan will be **54 points**.

Индекс влияния на законопроектную деятельность в сфере сельского хозяйства Казахстана составит **54 балла**.

2.2. ELECTION LAW (285 DRAFT NORMATIVE ACTS)

Quantitative analysis of participation in the discussion of draft legal acts

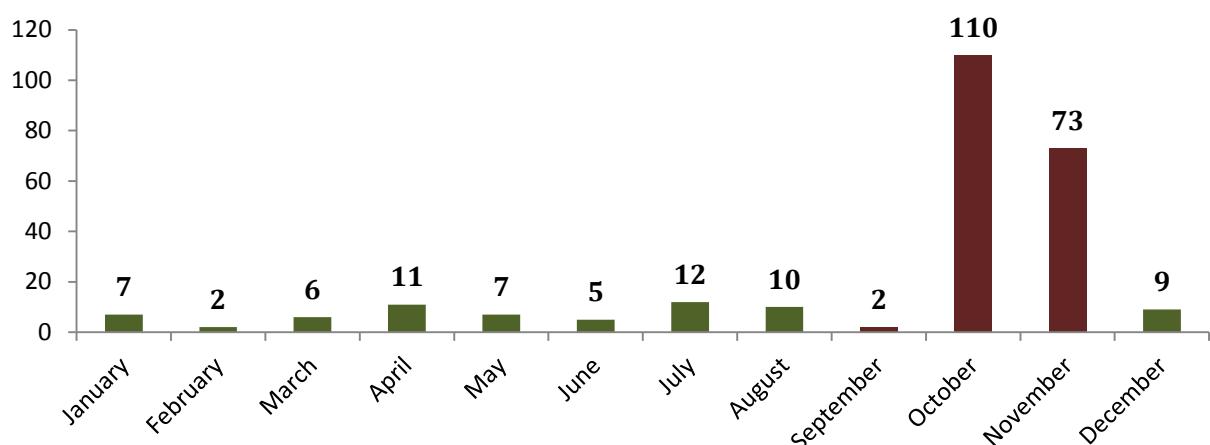
In the field of electoral law, in 2018, the Ministry of Justice of Kazakhstan undertook to adopt 1 law on amendments to the Constitutional Law of the Republic of Kazakhstan «On Elections in the Republic of Kazakhstan».

The analysis of draft legal acts published on the portal «Open regulatory legal acts» showed that in addition to this law, the Ministry of Justice, the Central Election Commission (CEC) and local executive bodies published **285** draft legal acts for discussion with the population that affect the procedure for holding elections or suffrage in Kazakhstan. Among them are a decree, resolutions of the Central Election Commission, local executive bodies, decisions of local executive bodies.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses
1.	Decree	1	0	0
2.	Law	1	1 to 1 project	1
3.	Decisions of the Central Election Commission	14	7 to 2 projects	7
4.	Decisions of local executive bodies	3	5 to 2 projects	5
5.	Decisions of local executive bodies	266	234 to 130 projects	200
6.	TOTAL	285	247 to 135 projects	213

The dynamics of public discussion of draft legislative acts in the field of elections

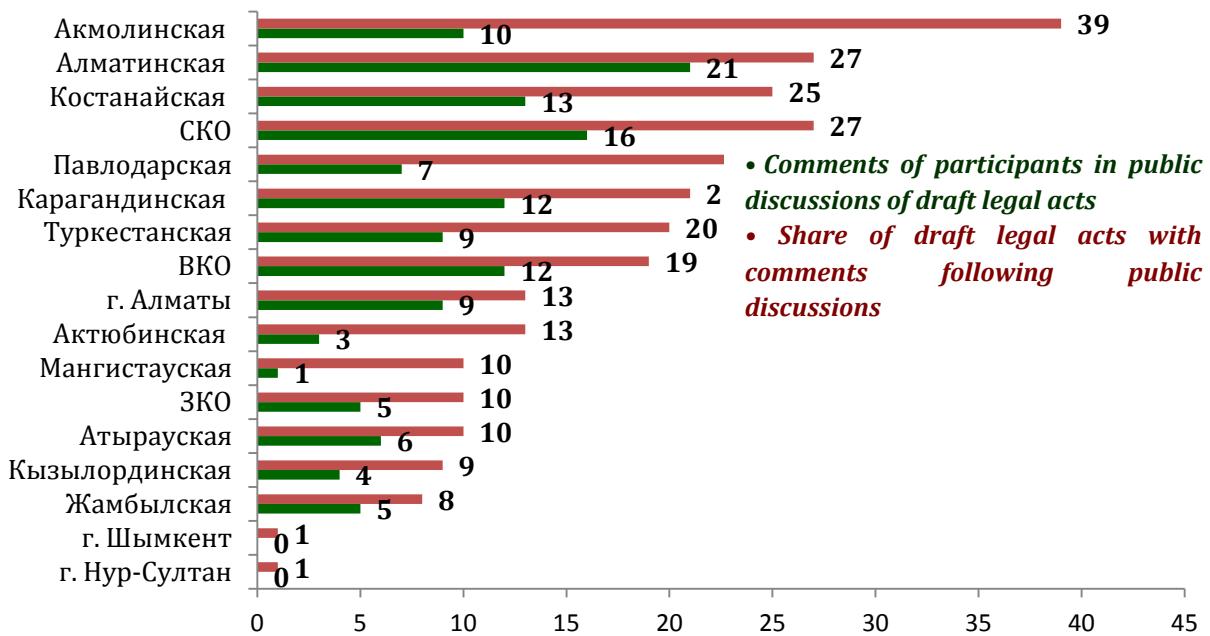
Every month, users of the portal «Open regulatory legal acts» were invited to participate in the discussion of about 5 to 20 draft laws in the field of electoral law, the largest number of which occurred in September, October and November 2018.



Publications of draft laws on the portal on the topic of elections by month

At the level of central government bodies, the developer of 15 draft legislative acts was (the Central Election Commission), two - the Ministry of Justice.

In the regional context, more often than others, draft legal acts developed by akimats of Akmola, Almaty, North Kazakhstan, Kostanai, Pavlodar regions were submitted for public discussion. Least of all draft regulatory legal acts on the topic of elections were developed by the akimats of Nur-Sultan, Shymkent.



The share of draft legal acts in the field of electoral law in the regional context

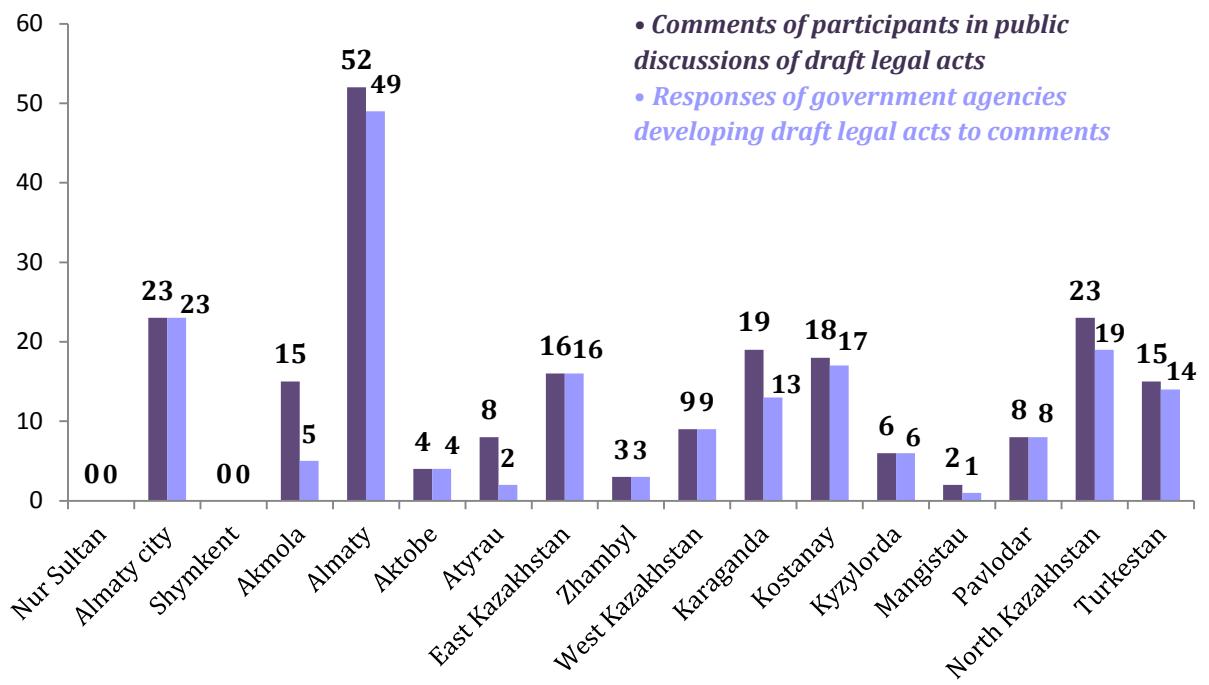
A quantitative analysis showed that users of the Portal «Open regulatory legal acts» commented on about half **(47% of 135 of 285** electoral draft normative acts. Government development agencies provided **86% (213) of 247** comments with explanatory answers.

Most comments were received on draft decisions (47.2%) and resolutions of akimats (90%). There was no civil discussion on the draft presidential decree and the concept of constitutional law.

The largest number of comments was received on the draft amendments of the CEC to the rules for sending citizens of Kazakhstan as observers for foreign elections - 6, and the decision of the Kegensky district maslikhat of Almaty region on the formation of polling stations - 5.

The number of comments on one document varies between 1–6, but two-thirds do not exceed 1-3 comments.

In the regional context, the users showed the greatest activity in the discussion of draft legal acts from Almaty, Kostanay, North Kazakhstan regions and Almaty, the least - in the draft legal acts of Mangistau, Kyzylorda, Aktobe and Atyrau regions.



Comments and remarks on draft legal acts in the field of electoral law

The interaction of the developer bodies with the participants of the public discussion on the portal «Open regulatory legal acts» was carried out at a fairly high level. The comments of all participants in the public discussions of the draft laws were answered by state bodies of 5 regions - Almaty, Aktobe, West Kazakhstan, Kyzylorda and Pavlodar regions. With the exception of the Akmola region, in other regions, government agencies commented on more than half of the comments.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the field of electoral law showed the following:

1. In the field of electoral law and the organization of the electoral process, an average degree of rulemaking is observed, the leaders are 5 regions of Kazakhstan, which developed more than 20 draft legal acts in 2018.
2. With the exception of the Akmola region, the degree of civic participation in the discussion of draft laws at medium damage. The authorities have shown a high degree of interest in studying and responding to comments received. In the Almaty region, authorities took into account less than half of the comments received during a public discussion of draft legal acts.

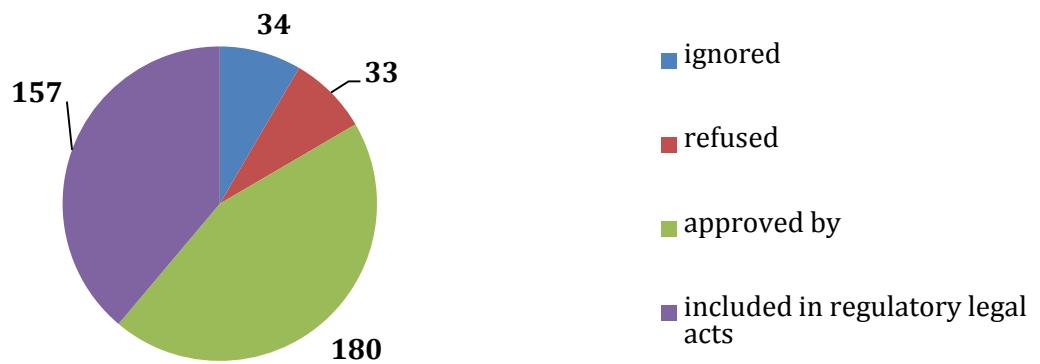
Qualitative analysis of the impact on legislative activities

For a qualitative analysis of the degree of influence on the legislative process in the field of electoral law, 246 comments and 212 responses of government developing agencies on 135 draft legislative acts were examined.

A study of the responses of state bodies showed that all comments and remarks were proposed by one person with the exception of the draft constitutional law and related to technical errors of the developers.

From **247** comments of participants in public discussions of **135** draft legal acts:

- **34** (13.7%) were left unanswered,
- **33** (13%) comments on **22** draft normative documents were refused, including explanations given on 6 remarks of participants in public discussions,
- **180** (73%) comments with approximately the same comments on **105** draft regulatory acts were approved and accepted by the developers, of which
- **157** (63.8%) of citizens' proposals were included in the approved **93** regulatory acts.



Analysis of work with citizens' proposals on the topic of elections

In the context of central and regional state bodies, the degree of influence on the legislative activity of citizens can be estimated as high, despite the fact that all proposals were sent by one person (with the exception of 1 comment) and related to issues of technical design of texts, indication of dates and links, grammatical and stylistic errors.

Comparison of the draft constitutional election law:

Draft Constitutional Law «On Amendments and Additions to the Constitutional Law of the Republic of Kazakhstan» On Elections in the Republic of Kazakhstan «	Suggestions and the answer of the state agency- developer of the draft regulatory act	The draft law introduced in the Mazhilis of the Parliament of the Republic of Kazakhstan	Law
«1. Voting on the election of the President, deputies of the Mazhilis of the Parliament and Maslikhats, members of	«1. voting for the election of the president, deputies ...»	34) in paragraph 1 of Article 38: in the first sentence, after the	25) in the sentences of the second and fourth paragraph of

<p>other bodies of local self-government is held on election day from seven to twenty hours local time. Territorial or district election commissions, upon the submission of the relevant akim, precinct election commissions, have the right to establish other voting start and end times. At the same time, voting may not begin earlier than six hours and end later than twenty-two hours. The decision of the territorial election commissions to change the start and end time of voting should be communicated to voters.»</p>	<p><i>- in the second sentence, the words «or district electoral» must be removed, since there will be no district commission with the adoption of this draft. – thanks for the offer, it is taken into account.</i></p>	<p>words «maslikhats,» supplement with the words «akim of a city of regional significance, village, township, rural district,»; in the sentences of the second and fourth words «or district», «or district» to exclude;</p>	<p>paragraph 1 of Article 38 the words «or district», «or district» shall be deleted;</p>
--	--	--	---

Analysis of the work of government agencies with proposals in the field of elections

Thus, we can conclude that the developers of draft legal acts listen to comments of a technical nature.

Index of participation and impact on legislative activities in the field of electoral law

The users of the Portal «Open regulatory legal acts» commented on 47% (135 out of 285) of the draft laws on elections. State bodies, developers of draft legal acts, responded to 86% (213 out of 247) comments.

Index of participation in the discussion of bills in the field of electoral law will be **47 points**.

From the standpoint of the state bodies developing the legislative acts, the readiness to discuss the proposals and comments of citizens in public discussions in the field of electoral law will be **75 points**.

Of the 246 comments, government development agencies approved 73% (180) of the comments received, of which 63.8% (157) included 93 regulations.

The impact index on legislative activities in the field of Kazakhstan suffrage will be **76 points**.

2.3. TRANSPORT (507 DRAFT LEGAL ACTS)

Quantitative analysis of participation in the discussion of draft legal acts

In the field of transport, according to the plan of legislative work for 2018, it was supposed to adopt 1 law: «On amendments and additions to some legislative acts of the Republic of Kazakhstan on transport issues». The deadline for coordination with the Ministry of Justice is February, and it will be submitted to Parliament in May 2018.

The analysis of the portal «Open normative legal acts» showed that the concepts of the above bills were put up for public discussion in August 2017. Both versions *did not receive any comments* or suggestions from portal users.

The draft law by the Government Decree of May 31, 2018 No. 303 is sent for consideration to the Mazhilis of the Parliament. The draft law **was not found** on the Portal «Open regulatory legal acts» and on the official web resource, so it is difficult to conduct a quantitative and qualitative analysis of citizen participation in legislative activities. The law was adopted by Parliament on April 19, 2019, a year later than provided for by the bill work plan.⁵.

Despite this, in addition to the draft legal acts stipulated by the plan, an additional **507** draft legal acts in the field of transport and communications were submitted for public discussion. By types of legal acts, these were analyzes of regulatory development, concepts to laws, laws, international agreements, decrees, orders, standards and regulations of public services.

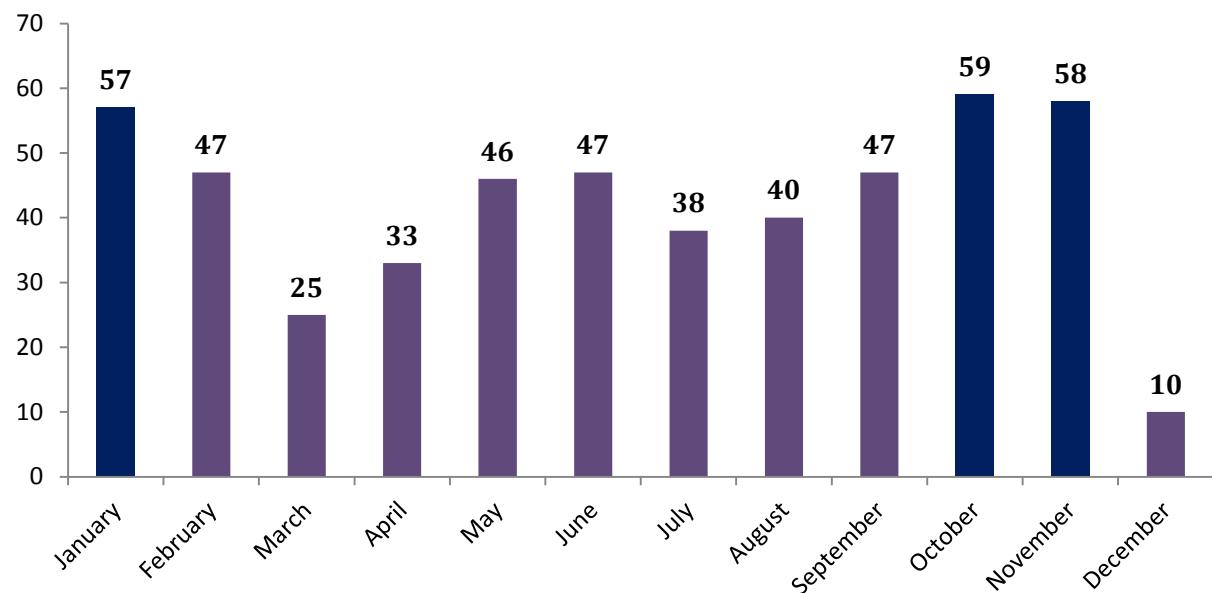
Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	9	0	0
2.	Concept	4	0	0
3.	Regulatory Impact Analysis	6	2 to 2 projects	2
4.	Decision - the developer of the central government agency	71	8 to 7 projects	8
5.	Decision - developer of the local executive body	183	134 to 53 projects	93
6.	The position of	2	1 to 1 project	1

⁵ <http://zan.gov.kz/client/#!/md/130744/rus>

	the central government agency			
7.	Order of the central government agency	138	56 to 41 projects	51
8.	International agreement	3	0	0
9.	The decision of the local executive state body	54	21 to 14 projects	12
10.	Public Service Standard	26	18 to 7 projects	18
11.	State service regulations	11	5 to 4 projects	5
12.	TOTAL	507	245 to 129 projects	190

The dynamics of public discussion of draft legal acts in the field of transport

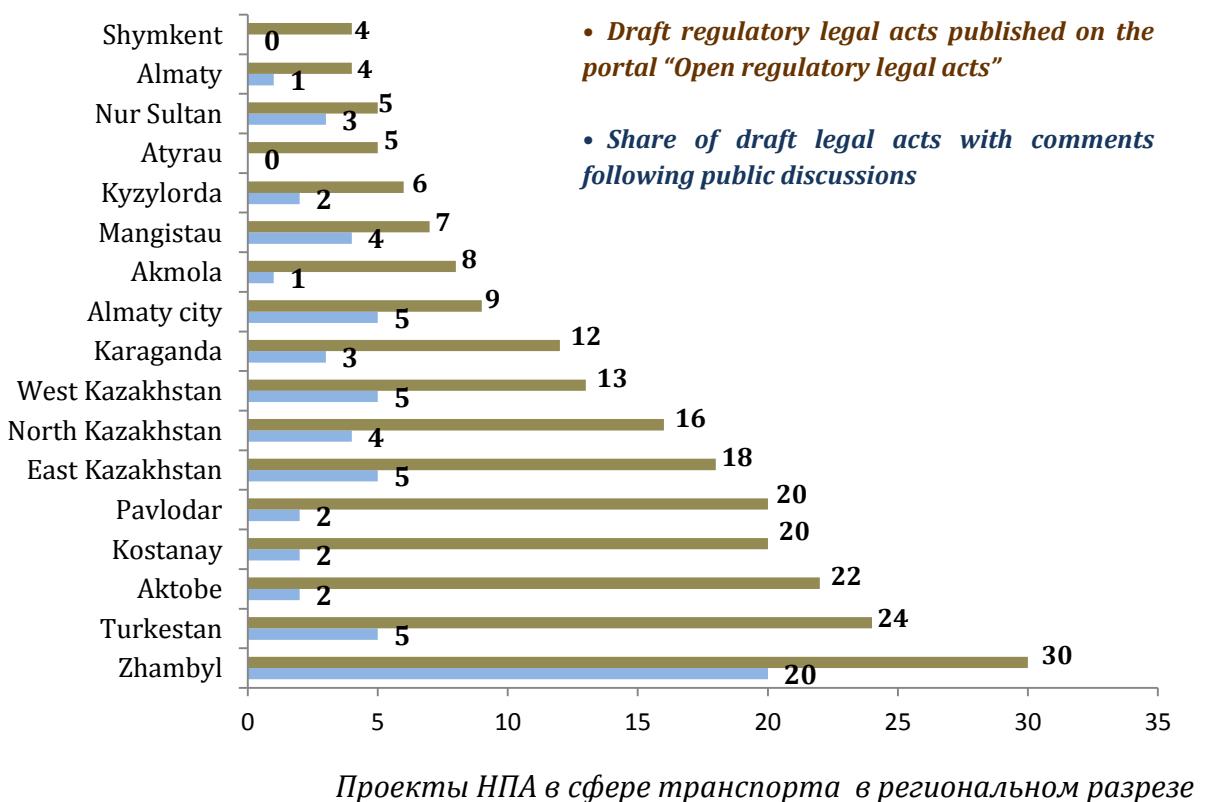
Monthly, users of the Portal «Open regulatory legal acts» were invited to participate in the discussion of about 42 draft legal acts in the field of transport, the largest number of which occurred in October, November and January 2018.



Publication of draft legal acts on the portal in the field of transport by month

At the level of central government bodies, the developer of 219 draft legal acts was the Ministry of Industry and Infrastructure Development, the Ministry of Information and Communications - 31, the Interior - 4, Justice - 2, and the first - the Ministry of Energy and Finance.

In the regional context, more often than others, draft legal acts developed by akimats of the Zhambyl, Turkestan, Aktobe and Kostanai regions were submitted for public discussion. Least of all drafts of regulatory legal acts in the field of transport and communications were developed by the akimats of the Almaty region, the cities of Nur-Sultan and the city of Shymkent.



A quantitative analysis showed that in the field of transport, comments were received by **25% (129) of 507** draft legal acts. A total of **245** comments were received from users of the Portal «Open regulatory legal acts», up to **77.5% (190)** of which state-developer bodies provided explanatory answers.

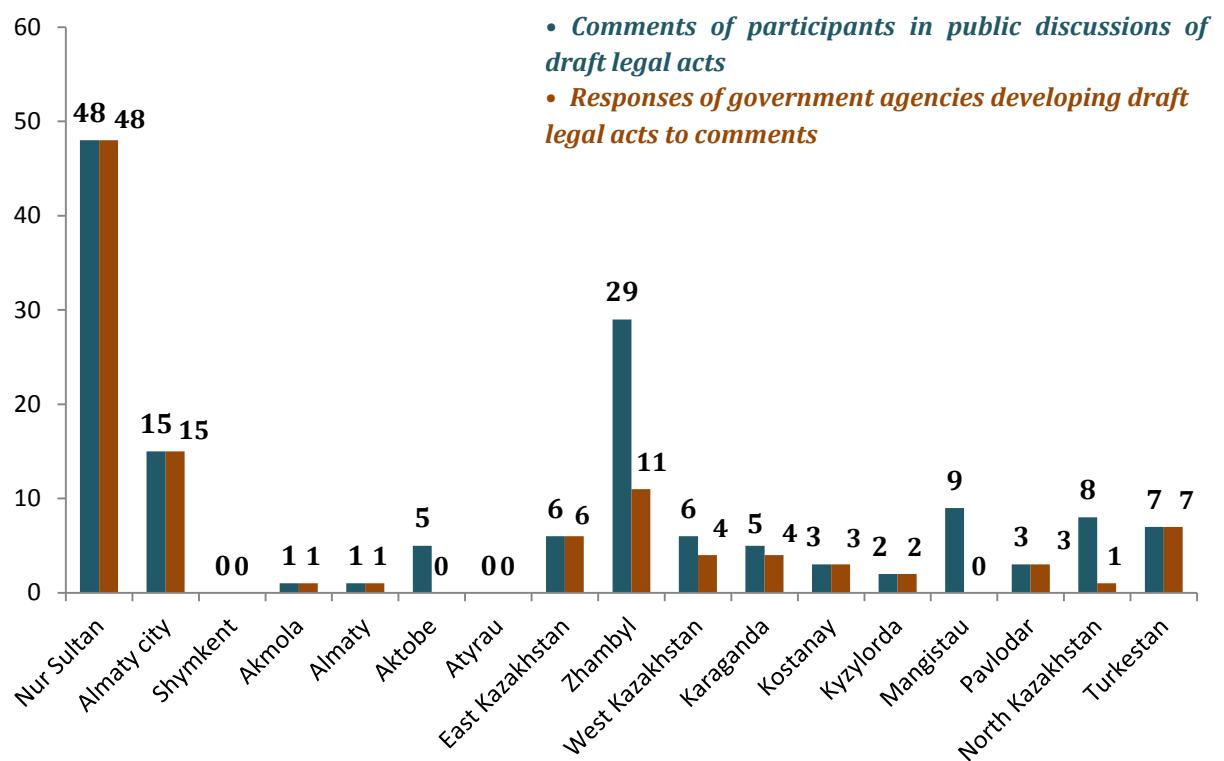
Minimal participation in the discussion of draft normative legal acts is observed in Pavlodar, Kostanay and Aktobe regions, despite the fact that these regions more than others proposed bills for public discussion. The number of comments on one document varies between 1–38, but 68% do not exceed 1 comment.

By types of regulatory legal acts, the largest number of comments was received on draft decrees (54%) and decisions (8.5%) of akimats of orders, ministries (22.9%), and standards for the provision of public services (7.3%). Less than a third of the comments were received on draft resolutions (3%) of ministries.

A detailed analysis showed that the largest number of comments were sent by users of the Open Normative Legal Acts portal on draft resolutions:

- Akimat of Nur-Sultan on amendments to the tariff setting of passenger traffic in urban and suburban traffic - **38**;
- Decisions of the Akimat of Almaty on paid parking lots - 10, similar parking lots in the city of Nur-Sultan - **8**;
- amendments by the Ministry of Internal Affairs to the standard for ensuring road safety - **7**.

In the regional context, the most comments were received on draft laws developed by the akimats of Nur-Sultan, Almaty and the Zhambyl region, fewer comments on draft laws of the Akmola, Almaty and Kyzylorda regions, and no comments were received on draft laws of the Atyrau region and Shymkent.



Comments and remarks on draft legal acts in the field of transport

On the part of the authorities, the interaction with participants in the public discussion on the portal «Open regulatory legal acts» was carried out in different dynamics. So, all the comments of the participants in the public discussions of the draft laws were answered by the state bodies of Nur-Sultan, Almaty, Turkestan, Akmola, Almaty and Kyzylorda, East Kazakhstan, Kostanay and Pavlodar regions.

More than half of the comments were commented by state bodies of the West Kazakhstan and Karaganda regions. The comments of participants in public discussions in the Zhambyl and North Kazakhstan regions were least taken into account, and not at all in the Aktobe and Mangystau regions.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the field of agriculture showed the following:

1. In the field of transport, there is a degree higher than the average norm-setting, the leaders are 5 regions of Kazakhstan, which developed more than 20 draft legal acts in 2018. Moreover, in these areas (with the exception of Zhambyl), there is a low degree of civic participation in the discussion of draft laws.
2. The authorities (with the exception of the Aktobe region) have a high degree of interest in studying and responding to comments received. In the Zhambyl, North Kazakhstan, Aktobe and Mangystau regions, less than half were taken into account or the proposals of citizens received during the public discussion of draft legal acts were not taken into account at all.

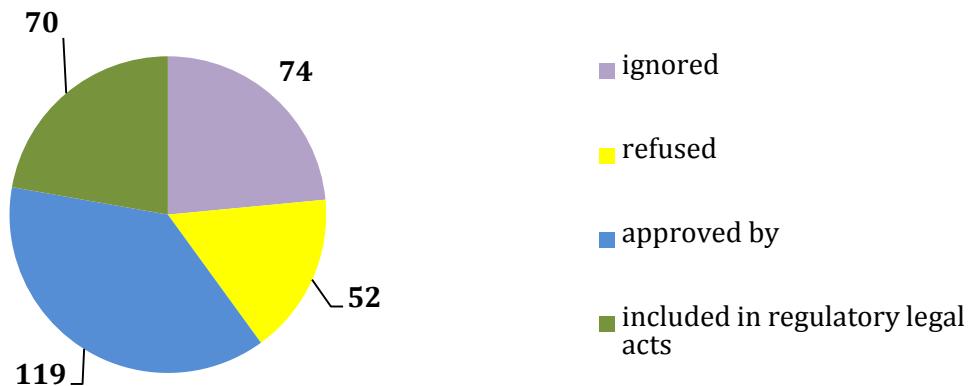
Qualitative analysis of the impact on legislative activities

For a qualitative analysis of the degree of influence on the legislative process, **245** comments of citizens and **190** responses of state bodies to **129** draft legal acts in the field of transport were studied.

A study of the responses of state bodies showed that all comments and suggestions were mostly made by one person and related to technical errors in the design of texts of draft legal acts and violation of the terms of public discussion on the portal (draft legal acts developed by the Ministry of Infrastructure Development).

From **245** comments to **129** draft legal acts:

- **74** (30%) were left unanswered,
- **52** comments (21%) to **17** draft legal acts were refused, including 3 comments gave explanations, another 33 conceptual disagreements from different citizens with the proposed innovations were refused,
- **119** (48%) comments on **82** draft regulatory acts were approved and accepted by the developers, while 6 comments related to violations of the deadline for discussing draft regulatory acts on the portal, *of which*
- **70** (28.5%) of citizens' proposals were included in the approved **50** normative acts.



Analysis of work with proposals of citizens in the field of transport

Citizens' proposals were accepted mainly under by-laws, as orders, standards and regulations. The degree of influence on the legislative activity of citizens can be estimated as below average, in addition, all proposals were sent mainly by one person and related to issues of technical design of texts, indication of dates and links, grammatical and stylistic errors.

To the conceptual objections and disagreements of citizens, the state bodies - developers either provided explanations or refused to accept the arguments for further work and accordingly their proposals were not included in the final documents.

Thus, government agencies, transport project developers, heed technical comments.

Index of participation and impact on legislative activities in the field of transport

The users of the Portal «Open regulatory legal acts» commented on 25% (129 out of 507) of draft legal acts in the field of transport. Government agencies that have developed draft legal acts have responded to 77.5% (190 out of 245) of the comments.

The index of participation in the discussion of bills in the field of agriculture will be **25 points**.

From the point of view of the state bodies developing the laws and regulations, the readiness to discuss proposals and comments of citizens in public discussions in the field of transport will amount to **49.8 points**.

Of the 245 comments, government development agencies approved 48% (119) of the comments received, of which 28.5% (70) included the final 50 regulations.

The impact index on legislative activity in the transport sector of Kazakhstan will be **34.8 points**.

2.4. HISTORICAL AND CULTURAL HERITAGE (5 DRAFT NORMATIVE ACTS)

Quantitative and qualitative analysis of participation in the discussion of draft legal acts

In the field of culture and historical and cultural heritage, according to the plan of legislative work for 2018, it was supposed to adopt 2 laws:

- On the protection and use of objects of historical and cultural heritage.
- On introducing amendments and addenda to some legislative acts of the Republic of Kazakhstan on the protection and use of historical and cultural heritage.

The term for coordination with the Ministry of Justice is January, and it will be submitted to Parliament in May 2018.

The draft amendment law was submitted for discussion in January 2018 and there *were no proposals from citizens or companies* from users of the portal «Open regulatory legal acts» ⁶.

According to the law on the protection and use of objects of historical and cultural heritage, it was established that the draft law on May 31, 2018 by Government Decision No. 301 was sent for consideration to the Mazhilis of the Parliament⁷. But on the portal «Open regulatory legal acts» there **was no information** on holding a public discussion of this bill.

Both bills are not registered with the reference control bank of regulatory legal acts of the Ministry of Justice. From which we can conclude that the draft laws are under consideration in parliament. ***It is not possible to conduct*** an analysis of public participation and influence on these draft normative legal acts.

Despite this, in 2018, **90** draft legal acts were submitted for public discussion in the field of culture. On issues of historical and cultural heritage, citizens on the portal «Open regulatory legal acts» were invited to make comments in **5** draft legal acts: a law, a decree, an order, and two decisions.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	1	0	0
2.	Decision - the developer of MIO	1	0	0
3.	Order of the central government agency	1	5 to 1 project	5

⁶ <https://legalacts.egov.kz/npa/view?id=1854281>

⁷ <http://adilet.zan.kz/rus/docs/P1800000301>

4.	Decision of the local executive body	2	0	0
5.	TOTAL	5	5 to 1 project	5

The dynamics of public discussion of draft legal acts in the field of historical and cultural heritage

In the distribution by month, the projects are published for discussion (one at a time) in January, March, August, October and November 2018.

The Ministry of Culture and Sports has published two draft normative legal acts, one each - akimats of Aktobe, Mangistau and North Kazakhstan region.

Only **1** out of **5** draft normative legal acts received 5 comments - a draft order of the Minister of Culture and Sports on the approval of risk assessment criteria and a checklist for the protection and use of historical and cultural heritage sites.

All **5** comments were sent by one person and contain information about stylistic and grammatical errors in the draft normative legal act. All comments were taken into account and accepted into the work, but only **2** were reflected in the adopted normative act.

Thus, a quantitative analysis of participation in the discussion of draft normative legal acts in the field of historical and cultural heritage showed a low degree of rule-making and civic participation in the discussion of draft laws on the subject of historical and cultural heritage. The authorities noted a high degree of interest in responding to comments received.

Index of participation and impact on legislative activities in the field of historical and cultural heritage

The users of the Portal «Open regulatory legal acts» commented on 20% (1 of 5) NPA projects in the field of historical and cultural heritage. State bodies, developers of draft regulatory legal acts, responded to 100% (5 out of 5) of comments.

The index of participation in the discussion of bills in the field of historical and cultural heritage will be **20 points**.

From the standpoint of state bodies that develop normative legal acts, readiness to discuss proposals and comments of citizens will amount to **100 points**.

The government agencies developers approved the work of all 100% of the comments on the 1st draft of the regulatory act. The final document included 40% (2) of citizens' proposals.

The index of influence on legislative activities in the field of historical and cultural heritage will be **40 points**.

2.5. SPORT (56 DRAFT NORMATIVE ACTS)

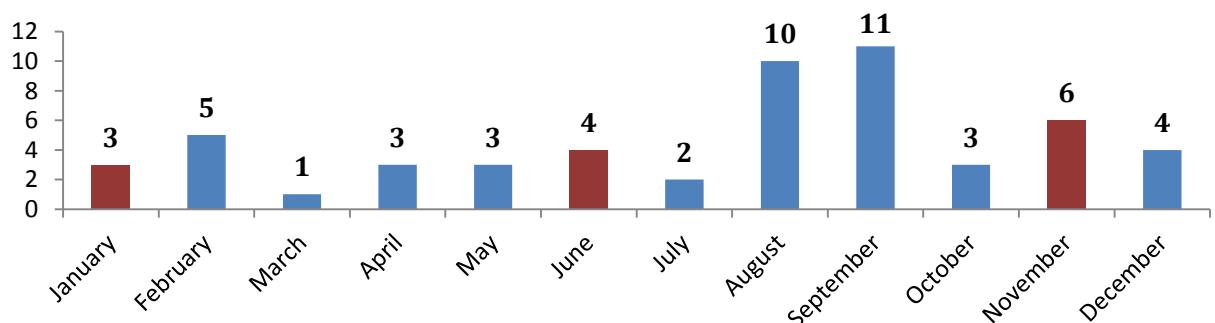
Quantitative analysis of participation in the discussion of draft legal acts

In the field of sports, according to the plan of legislative work for 2018, it was supposed to adopt 1 law: «On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Physical Culture and Sports».

In addition to the 1 law stipulated by the plan, in legislative work at the republican and regional levels, 55 draft legal acts in the field of sports were submitted for public discussion: law, decrees, orders, standards and regulations of public services.

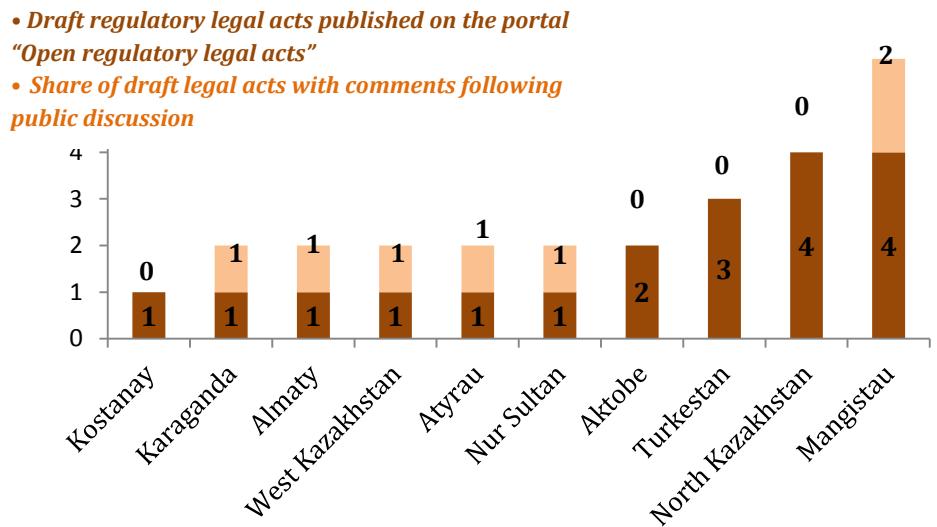
Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	2	0	0
2.	Order of the central government agency	21	10 to 3 projects	10
3.	Decision - developer central government agency	4	0	0
4.	Decision - Developer Local Executive	18	15 to 6 projects	9
5.	Order of the central government agency	2	0	0
6.	The decision of the local executive state body	1	0	0
7.	Public Service Standard	7	4 to 2 projects	4
8.	State service regulations	1	0	0
9.	TOTAL	56	29 to 11 projects	23

The dynamics of public discussion of draft legal acts in the field of sports



Monthly publication of draft legal acts on the portal in the field of sports

In the regional context, more often than others, draft legal acts developed by akimats of the Mangistau and North Kazakhstan regions were submitted for public discussion; in 7 regions, not a single draft legislative act was developed.



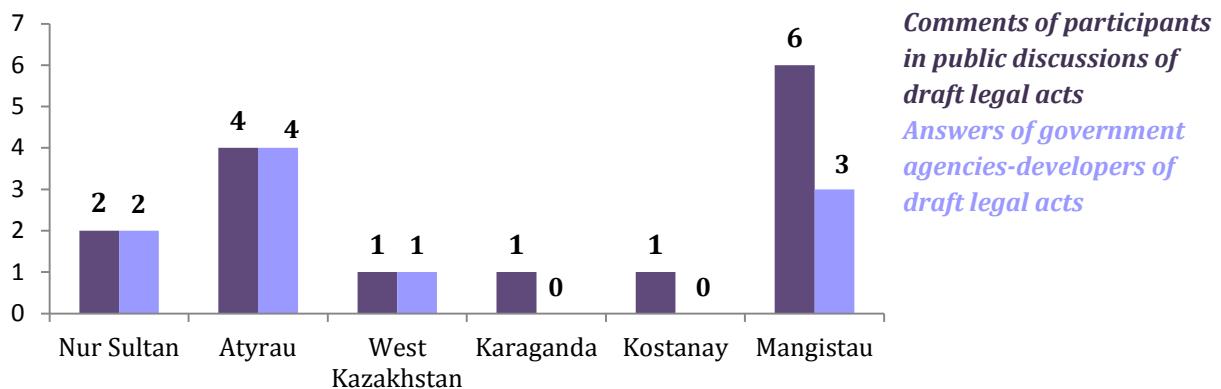
Draft regulatory legal acts in the field of sports in the regional context

A quantitative analysis showed that users of the Portal «Open regulatory legal acts» commented on one fifth of the share (**56% of 11**) of **56** draft legal acts in the field of sports. Government development agencies provided **72% (24)** of **29** comments with explanatory answers.

Most comments were received on draft resolutions of akimats (**45%**). There was no civil discussion on draft laws, decrees and orders of the Ministry of Culture and Sports, decisions of akimats and regulations of public services.

The largest number of comments was received on the draft order of the Ministry of Culture and Sports on amendments to the rules for accreditation of trainers and the resolution of the Atyrau region - 4 comments each. The number of comments on a single document varies between 1-3.

In the regional context, users showed the greatest activity in the discussion of draft legal acts from Atyrau and Mangistau regions. We did not participate in the discussion of draft normative acts developed by akimats of Turkestan, North Kazakhstan, Kostanay, Karaganda, Almaty regions.



Comments and remarks on draft legal acts in the field of sports

The interaction of the developer bodies with the participants of the public discussion on the portal «Open regulatory legal acts» was carried out at a fairly high level. All comments were answered from the cities of Nur-Sultan, Atyrau and West Kazakhstan, and half - from the Mangistau region.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the field of sports showed the following:

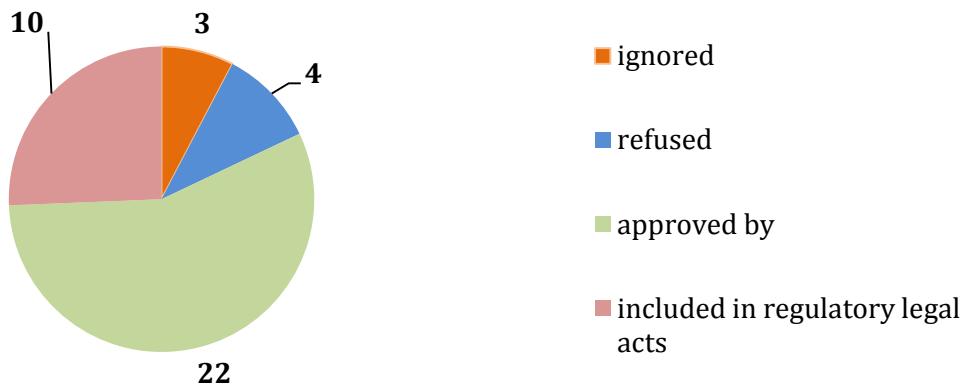
1. In the field of sports, a low degree of norm-setting is observed, the leaders are the Ministry of Culture and Sports and 2 regions of Kazakhstan, which developed 36 and 4 draft legal acts in 2018, respectively.
2. The degree of civic participation does not depend on the number of proposals proposed by the authorities to discuss draft legal acts and is fixed at a level below the average. In the Karaganda and Kostanai regions, the developers ignored the already small comments of citizens.

Qualitative analysis of the impact on legislative activities

A study of the responses of state agencies on 29 comments to 11 draft legal acts from users of the Portal «Open regulatory legal acts» showed that the comments and comments were made by one person. There were no comments on the bill in two editions, provided for by the bill work plan.

From **29** comments to **11** draft legal acts:

- **3** (10%) were left unanswered,
- **4** (13.7%) comments on **3** draft legal acts were refused;
- **22** (75.8%) comments on **9** draft legal acts were approved and accepted by the developers, of which
- **10** (34%) of citizens' proposals were included in the approved **7** regulatory acts.



Analysis of work with proposals of citizens on the topic of sports

There were no conceptual proposals for draft legal acts in the field of sports. Thus, government agencies, draft law developers, listen to comments on technical issues.

Index of participation and influence on legislative activity in the field of sports

The users of the portal «Open regulatory legal acts» commented on 19% (11 of 56) draft normative legal acts in the field of sports. State bodies, developers of draft regulatory legal acts, responded to 72% (24 of 29) of the comments.

The index of participation in the discussion of bills in the field of sports will be **19 points**.

From the point of view of state bodies, developers of regulatory legal acts, the willingness to discuss the proposals and comments of citizens will be **75.8 points**.

Of the 29 comments, government development agencies approved 75.8% (22) of the proposals, of which 34% (10) included 7 regulations.

The impact index on legislative activities in the sports sector of Kazakhstan will be **34.6 points**.

2.6. STATE AUTHORITIES OF BRANCHES OF AUTHORITY (6 DRAFT LEGAL ACTS)

Quantitative and qualitative analysis of participation in the discussion of draft legal acts

In 2018, the Ministry of National Economy of Kazakhstan undertook to adopt 1 law on the redistribution of powers between levels of government.

The analysis of draft legal acts published on the Portal «Open regulatory legal acts» showed that within the framework of this bill, the Ministry of National Economy published 6 draft legal acts for discussion with the public, including one concept and 5 versions of the draft law with different amendments.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Concept	1	0	0
2.	Law	5	3 to 2 projects	3
3.	TOTAL	6	3 to 2 projects	3

The dynamics of public discussion of draft legal acts on the redistribution of powers

Users of the Portal «Open regulatory legal acts» were invited to participate in the discussion of draft legal acts in January (1), June (1), August (2), October and November (1 each).

The developer of all 6 draft normative legal acts was the Ministry of National Economy.

A quantitative analysis showed that users of the Portal «Open regulatory legal acts» commented on **2 (33%)** of the 6 draft legal acts on the redistribution of state powers. Government development agencies provided **100% (3)** commentary explanations.

A qualitative analysis showed that out of three proposals sent by one person: one was refused consideration, two were accepted for work and one was reflected in the bill. Concerning the final version of the law, it is impossible to draw conclusions in connection with the postponement of the adoption of the law to December 2019.

Thus, a quantitative and qualitative analysis of participation in the discussion of draft regulatory legal acts on the redistribution of state powers showed the following:

1. There is an active rule-making process on the topic of redistribution of power, which is confirmed by five versions of the bill published for public discussion.

2. On the part of users, activity is low. The authorities responded to all the citizens' proposals, but a qualitative analysis showed that only one proposal received during the public discussion was reflected in the bill. The law has not yet been adopted⁸.

Index of participation in legislative activities in the field of redistribution of power

The users of the portal «Open regulatory legal acts» commented on **33% (2 of 6)** draft legal acts in the field of redistribution of power. State authorities, developers of draft regulatory legal acts have responded to **100% (3)** comments.

The index of participation in the discussion of bills in the field of redistribution of power will be **33 points**.

From the standpoint of state bodies that develop normative legal acts, the readiness to discuss the proposals and comments of citizens in public discussions will **be 66 points**.

The index of influence on legislative activities in the framework of the redistribution of power **is not applicable**, since the final version of the law has not been adopted.

⁸ As of December 4, 2019.

2.7. HOUSING AND COMMUNAL SERVICES (51 DRAFT LEGAL ACTS)

Quantitative analysis of participation in the discussion of draft legal acts

In the field of housing and communal services, according to the plan of legislative work for 2018, it was supposed to adopt 1 law: «On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Housing and Communal Services».

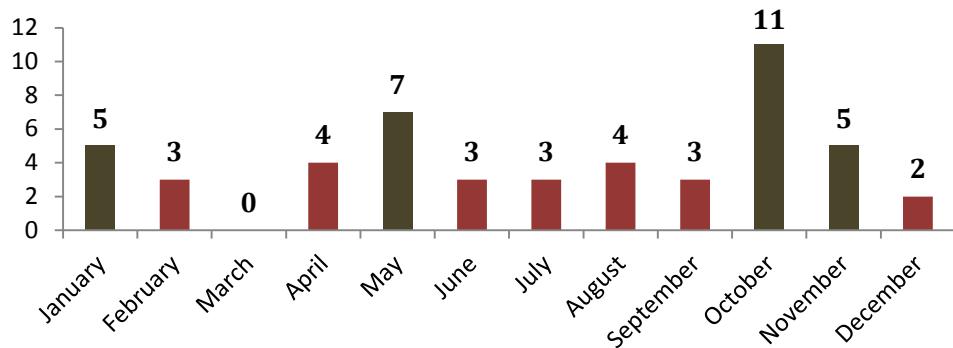
An analysis of the portal «Open regulatory legal acts» showed that the bill was submitted for public discussion in January 2018, and there **were no proposals** or comments to it.

In addition to the draft normative legal act stipulated by the plan, another **50** projects in the field of housing and communal services were submitted for public discussion. These were analyzes of regulatory development, decisions, orders, standards and regulations of public services.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	1	0	0
2.	Regulatory Development Analysis	1	0	0
3.	Decision - developer of the central government agency	1	0	0
4.	Decision - developer of the local executive body	24	8 to 5 projects	7
5.	Order of the central state body	14	13 to 7 projects	13
6.	Decision of the local executive body	1	0	0
7.	Public Service Standard	2	0	0
8.	State service regulations	7	4 to 3 projects	2
9.	TOTAL	51	25 to 15 projects	22

The dynamics of public discussion of draft legal acts in the housing sector

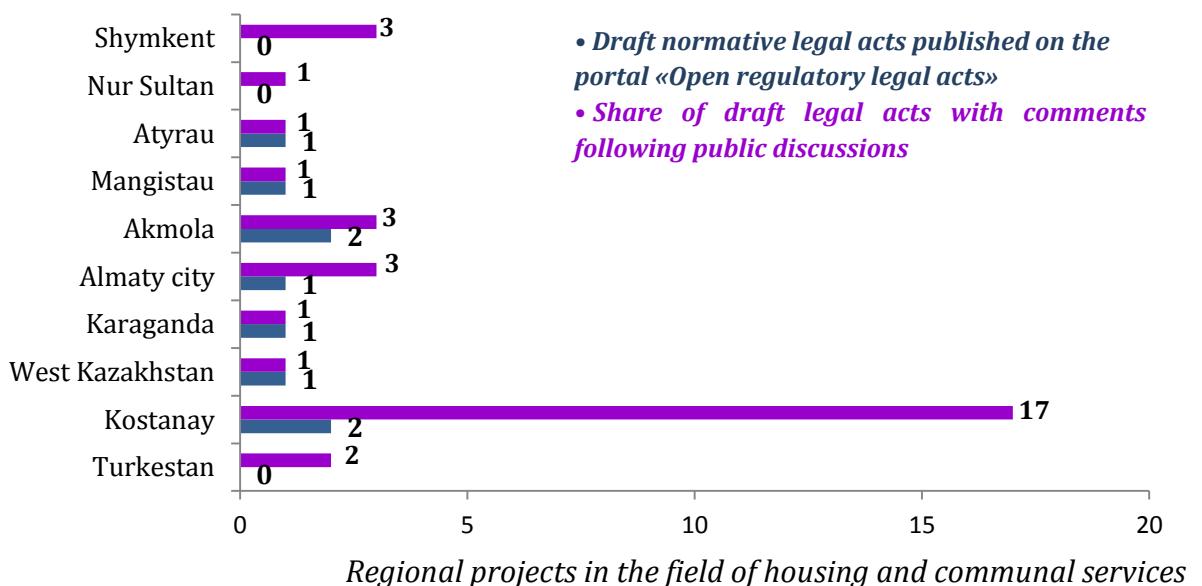
Each month, users of the Portal «Open regulatory legal acts» were invited to participate in the discussion of about 5 draft legal acts in the field of housing and communal services, the largest number of which occurred in January, April and October 2018.



Publication of draft legal acts on the portal in the housing sector by months

At the level of central government bodies, the developers of 17 draft legal acts were: the Ministry of Industry and Infrastructure Development - 12, digital development - 2, energy - 2, and agriculture - 1.

In the regional context, more often than others, the draft laws developed by the akimat of the Kostanai region - 16 were submitted for public discussion. It is noteworthy that 7 regions did not publish projects in the housing sector in 2018 for public discussion: Kyzylorda, Zhambyl, Almaty, North Kazakhstan, Pavlodar, East - Kazakhstan, Aktobe.



A quantitative analysis showed that **29% (15) of 51** draft LAs in the housing sector received comments based on public discussions. A total of 25 comments were received, **80% (22)** of which the state-owned development agencies provided explanatory answers.

Minimal participation in the discussion of draft legal acts is observed in the Kostanay and Turkestan regions, cities. Shymkent and Almaty, despite the fact that

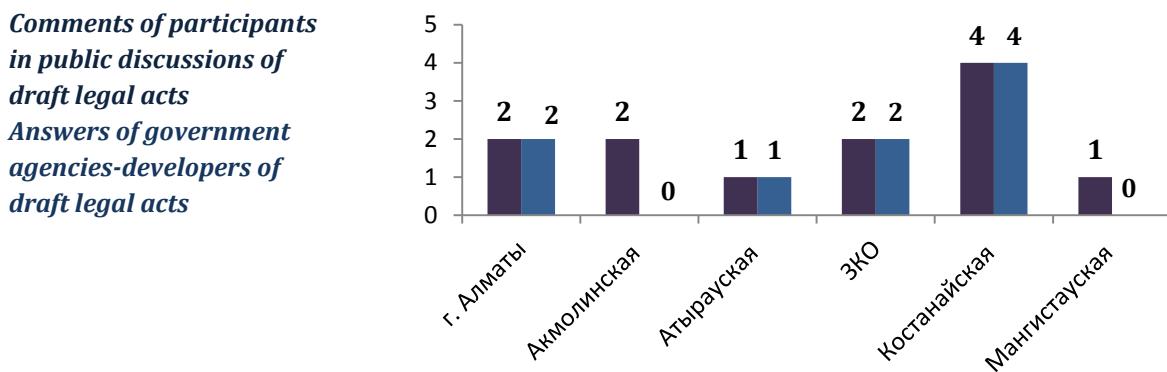
these regions often proposed bills for public discussion. The number of comments on a single document varies between 1–2.

By types of legal acts, the largest number of comments was received on draft orders of ministries, resolutions of akimats and regulations for the provision of public services. There are no comments on draft laws, resolutions of ministries, decisions of akimats and standards of public services.

A detailed analysis showed that the largest number of comments - 5 were related to the draft amendments of the Ministry of Energy to the rules for maintenance and repair of equipment, buildings and structures of power plants, thermal and electrical networks.

In the regional context, the most comments were received on draft legal acts developed by akimats of the Kostanai and Akmola regions.

No comments were received on draft legal acts developed by the akimats of Shymkent, Nur-Sultan, Turkestan, and Karaganda regions.



Comments and remarks on the draft laws in the field of housing and communal services

On the part of the authorities, interaction with participants in public discussions was carried out at a high level. So, akimats of four out of six regions reacted to all comments.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the housing and communal services sector showed the following:

1. A low degree of norm-setting is observed, the leaders are the Ministry of Industry and Infrastructure Development and the Akimat of the Kostanai region, which published more than half of all projects in the housing sector for public discussion.
2. In the regional context, there is a degree below the average participation of citizens in the discussion of draft legal acts, on the part of the authorities, the discussion of comments was conducted at a high level. In three regions, state bodies

- developers of draft laws did not take into account the comments of participants in public discussions.

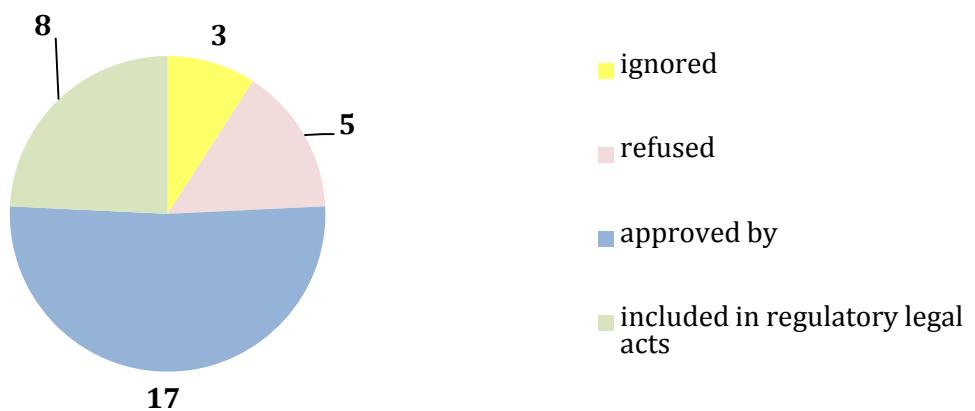
Qualitative analysis of the impact on legislative activities

For a qualitative analysis of the degree of influence on the legislative process in the field of housing and communal services, 25 comments and 22 responses from government agencies to 15 draft legislative acts were analyzed.

A study of the responses of state bodies showed that all comments and suggestions were proposed by one person and related to both conceptual positions and technical errors in the design of texts of draft legal acts and violation of the terms of public discussion on the portal (draft legal acts developed by the Ministry of Infrastructure Development).

From **25** comments to **15** draft legal acts:

- **3** (12%) were left unanswered,
- **5** (20%) comments on **4** draft legal acts were rejected, including 2 explanations were given,
- **17** (68%) comments on **9** draft legal acts were approved and accepted by the developers,
- **8** (32%) of citizens' proposals were included in the approved **5** regulatory acts.



Analysis of work with the proposals of citizens in the housing sector

The proposals were accepted under by-laws, as orders, standards and regulations. In the context of central and regional state bodies, the degree of influence on the legislative activity of citizens can be estimated as below average and mainly technical in nature.

To the conceptual objections and disagreements of citizens, the state bodies - developers either provided explanations or refused to accept the arguments for further work and accordingly their proposals were not included in the final documents.

Thus, government bodies, developers of draft laws and regulations in the field of housing and communal services listen to comments of a technical nature.

Index of participation and impact on legislative activity in the housing sector

The users of the portal «Open regulatory legal acts» commented on 29% (15 of 51) draft regulatory legal acts in the field of housing and communal services. State authorities, developers of draft regulatory legal acts, responded to 80% (22 out of 25) of comments.

The index of participation in the discussion of bills in the housing sector will be **29 points**.

From the point of view of state bodies developing normative legal acts, the readiness to discuss the proposals and comments of citizens in public discussions will be **76 points**.

Of the 25 comments, government development agencies approved 68% (17) of the proposals, of which 32% (8) included 5 regulations.

The impact index on legislative activity in the housing and communal services sector of Kazakhstan will amount to **25.8 points**.

2.8. HEALTHCARE (247 DRAFT NORMATIVE ACTS)

Quantitative analysis of participation in the discussion of draft legal acts

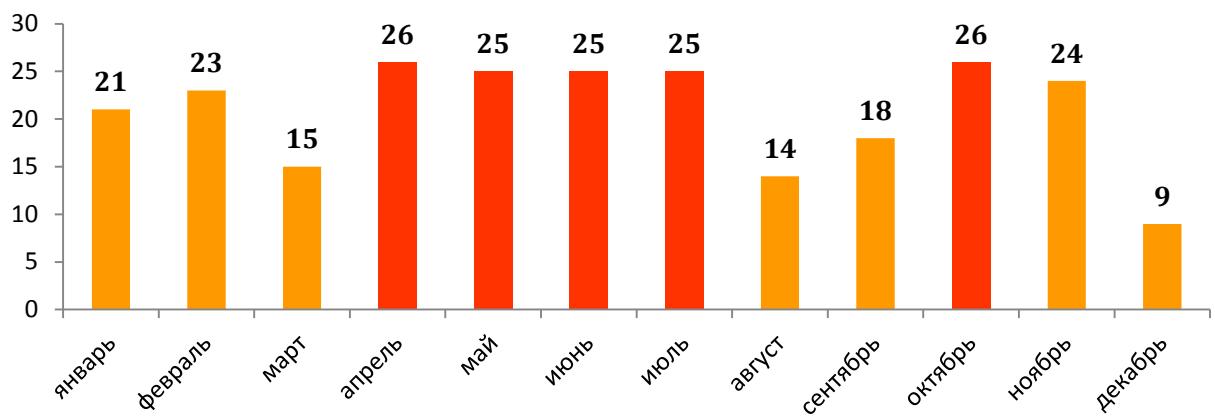
In the field of healthcare, according to the plan of legislative work for 2018, it was supposed to adopt 1 law: «On amendments and additions to some legislative acts of the Republic of Kazakhstan on healthcare».

In addition to 1 law stipulated by the plan, 246 draft regulatory acts in the field of healthcare were submitted for public discussion. By types of legal acts, these were laws, concepts to laws, decrees, orders, standards and regulations of public services.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	1	0	0
2.	Concept	2	2 to 2 projects	2
3.	Regulatory Impact Analysis	1	0	0
4.	Decision - developer central government	33	9 to 7 projects	9
5.	Regulation - Developer Local Executive Authorities	19	4 to 3 projects	4
6.	Order central government bodies	142	268 to 58 projects	249
7.	Disposition of central government bodies	1	0	0
8.	Local executive authority	1	2 to 1 project	0
9.	Decision of local executive bodies	40	18 to 10 projects	14
10.	Public Service Standard	6	4 to 3 projects	4
11.	State service regulations	1	2 to 1 project	2
12.	TOTAL	247	309 to 85 projects	284

The dynamics of public discussion of draft legal acts in the field of healthcare

Each month, users of the Portal «Open regulatory legal acts» were invited to participate in the discussion of about 20 draft legal acts in the healthcare sector, the largest number of which occurred in April, May, June, July and October 2018.



Publication of draft legal acts on the portal in the field of healthcare by month

At the level of central government bodies, the developer of 181 draft regulatory acts was the Ministry of Health, 4 the Ministry of the Interior, and the first was the Ministry of Justice and the National Economy.

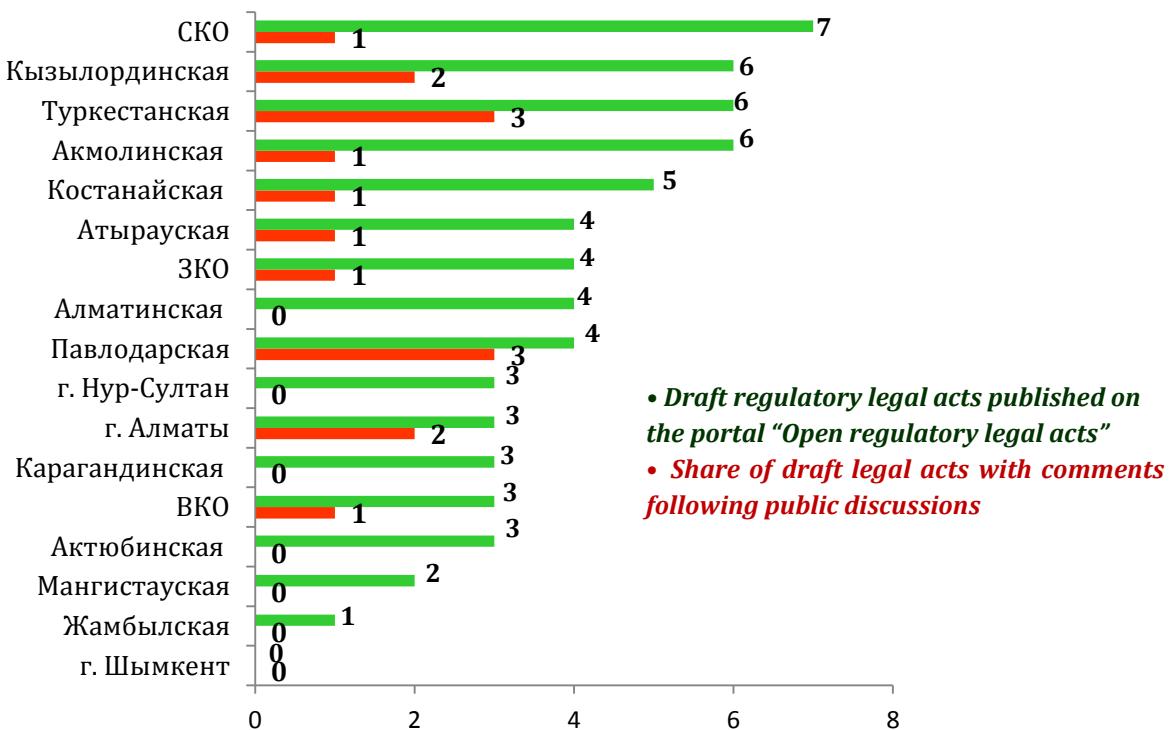
In the regional context, more often than others, draft legal acts developed by akimats of the North Kazakhstan, Kyzylorda, Turkestan and Akmola regions were submitted for public discussion. The Akimats of the Mangystau and Zhambyl Regions developed the least legislative projects in the healthcare sector, none of them were in Shymkent.

A quantitative analysis showed that out of **247** draft regulatory legal acts in the field of healthcare, **34% (85)** of them received comments. In total, **309** comments were received from users of the Portal «Open regulatory legal acts», **91% of which (284)** were provided by government developers with explanations.

By types of regulatory legal acts, the largest number of comments was received on draft orders of ministries (86.7%) and decisions of oblast akims (5.8%). For other types of regulatory legal acts, less than 5% of draft laws were subject to discussion.

Minimal participation in the discussion of draft legal acts is observed in the North Kazakhstan, Akmola and Kostanai regions, despite the fact that these regions more often proposed bills for public discussion. The number of comments on one

document varies between 1-122, but two thirds do not exceed 1 comment.



Draft regulatory legal acts in the field of healthcare in the regional context

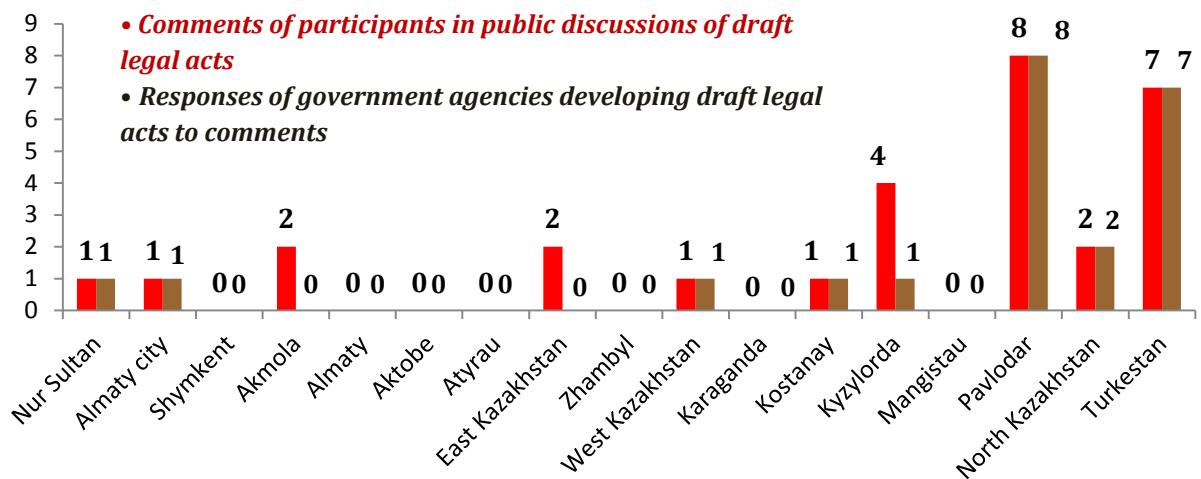
A detailed analysis showed that no comments were received on the draft law stipulated by the plan, while the bulk of the comments and suggestions of users of the Portal «Open regulatory legal acts» were received on draft by-laws of the Ministry of Health:

122 comments related to the draft order of the Ministry of Health on amending the list of socially significant diseases and diseases that pose a danger to others.

21 comments were sent on the draft order of the Ministry of Health on amending certain orders of the Ministry of National Economy.

5 comments on the draft Ministry of Health on amending the rules for the examination of temporary disability, the issuance of a sheet and a certificate of temporary disability.

In the regional context, more comments were received on draft legal acts developed by akimats of Pavlodar, Turkestan and Kyzylorda regions.



Comments on the draft regulatory acts in the field of healthcare in the regional context

On the part of the authorities, the interaction with participants in the public discussion on the portal «Open regulatory legal acts» was carried out in different dynamics. So, all the comments of the participants in the public discussions of the draft laws were answered by the state bodies of Almaty, Nur-Sultan, West Kazakhstan, Kostanay, Pavlodar, North Kazakhstan and Turkestan regions.

Least of all were the comments of participants in public discussions in the Akmola, East Kazakhstan, and Kyzylorda regions.

Thus, a quantitative analysis of participation in the discussion of draft regulatory legal acts in the field of healthcare showed the following:

1. In the health sector, a degree is above the average of rule-making; the Ministry of Health became leaders and 4 regions of Kazakhstan, which developed more than 200 draft legal acts in 2018. Moreover, in these areas there is a low degree of civic participation in the discussion of bills. But on the part of the authorities there is a high degree of interest in studying and responding to comments received.

2. The degree of civic participation does not depend on the number of proposals proposed by the authorities to discuss draft legal acts and generally remains low. In Akmola, East Kazakhstan and Kyzylorda oblasts, authorities responded to less than half of the comments received during a public discussion of draft legal acts.

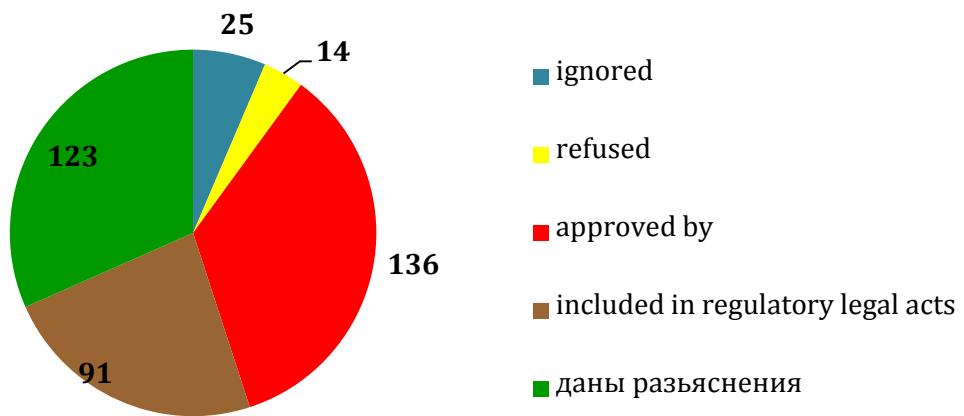
Qualitative analysis of the impact on legislative activities

For a qualitative analysis of the degree of influence on the legislative process in the health sector, 309 comments of citizens and 284 responses of state bodies to 85 draft legal acts were analyzed.

A study of the responses of state bodies showed that almost all technical comments regarding errors in the design of texts of draft legal acts, links to other norms and violation of the terms of public discussion on the portal were proposed by one person.

From **309** comments to **85** draft legal acts:

- **25** (8%) were left unanswered,
- **14** (4%) comments on **13** draft legal acts were rejected, another 123 (39.8%) objections to 1 draft were clarified,
- **151** (48.8%) comments on **68** draft legal acts approved and adopted by the developers, *of which*
- **91** (29%) of the citizens' proposals were included in the approved **45** regulatory acts,
- **15** (4.8%) draft NLAs following the discussion were not accepted by the authorities and were not put into effect.



Analysis of work with proposals of citizens in the field of healthcare

Proposals were accepted mainly under by-laws, as orders, standards and regulations.

In the context of central and regional state bodies, the degree of influence on the legislative activity of citizens can be estimated as high.

So, 122 objections of the portal users during a two-stage discussion of the draft amendments restricting the situation of people with diabetes made it impossible for the draft order to be signed⁹.

Thus, we can conclude that in the field of healthcare, state bodies, developers of draft regulatory acts listen to the conceptual and technical comments.

⁹ <http://adilet.zan.kz/rus/docs/V1500011512/history>

Health Involvement and Impact Index on Legislation

The users of the Portal «Open regulatory legal acts» commented on 34% (85 of 247) of public health projects. Government agencies that have developed draft legal acts have responded to 91% (284 of 309) of the comments.

The index of participation in the discussion of bills in the health sector will be **34 points**.

From the point of view of the state bodies developing the regulatory acts, the readiness to discuss the proposals and comments of citizens in public discussions will be **88.6 points**.

Of the 309 comments, government development agencies approved 48.8% (151) of the comments received, of which 29% (91) were included in 45 normative acts, another 15 (4.8%) of draft legal acts were not accepted by the authorities on user recommendations and not put into effect.

The impact index on legislative activities in the healthcare sector of Kazakhstan will be **46 points**.

2.9. PAYABILITY AND BANKRUPTCY OF CITIZENS (7 DRAFT LEGAL ACTS)

Quantitative and qualitative analysis of participation in the discussion of draft legal acts

According to the plan of legislative work for 2018, it was supposed to adopt 3 normative acts:

1. On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on improving the procedures for rehabilitation and bankruptcy (*the deadline for coordination with the Ministry of Justice is April, and introducing it to the parliament is August 2018*),
2. On the restoration of the solvency of citizens of the Republic of Kazakhstan (*the deadline for coordination with the Ministry of Justice is March, and submitting it to parliament is June 2018*),
3. On introducing amendments and addenda to some legislative acts of the Republic of Kazakhstan on the issues of restoring the solvency of citizens of the Republic of Kazakhstan (*the deadline for coordination with the Ministry of Justice is March, introduction to the parliament - June 2018*).

In total, 7 draft legal acts were submitted for public discussion: 3 draft concepts and 4 draft laws.

2 comments were received on 1 draft law on amendments to the procedure for restoring the solvency of citizens. Both comments were sent by one person and related to violations of the Ministry of Finance regarding the terms of public discussion of the project and the missing documents.

The comments of the state body-developer of the draft regulatory legal act have been fully corrected.

In June 2018, two bills on restoring the solvency of citizens of Kazakhstan by a government decree were excluded from the bill work plan for 2018¹⁰, but in November 2018 a government decree was passed on introducing two bills to the lower house of parliament¹¹. As of December 4, 2019, draft laws did not leave parliament.

The bill on restoring the solvency of citizens has not reached the procedure for consideration in parliament.

¹⁰ <http://adilet.zan.kz/rus/docs/P1800000396>

¹¹ <http://adilet.zan.kz/rus/docs/P1800000800> – amendments to the solvency restoration procedure; <http://adilet.zan.kz/rus/docs/P1800000800> – amendments to the rehabilitation and bankruptcy proceedings

Index of participation and influence on legislative activity in solvency and bankruptcy of citizens

Users of the Portal «Open regulatory legal acts» commented on 1 out of 7 draft legal acts. The government agency-developer responded to all comments received and took measures to eliminate the comments. Thus,

The index of participation in the discussion of bills in the field of solvency will be **14 points**.

From the point of view of the state bodies developing NLA, readiness to discuss proposals and comments of citizens will amount to **100 points**.

The index of influence on legislative activity in the field of solvency and bankruptcy of citizens **is not applicable**, since the project has not been adopted and has not entered into force.

2.10. BUDGET, TAXES AND FINANCE (1 995 DRAFT LEGAL ACTS)

Quantitative analysis of participation in the discussion of draft legal acts

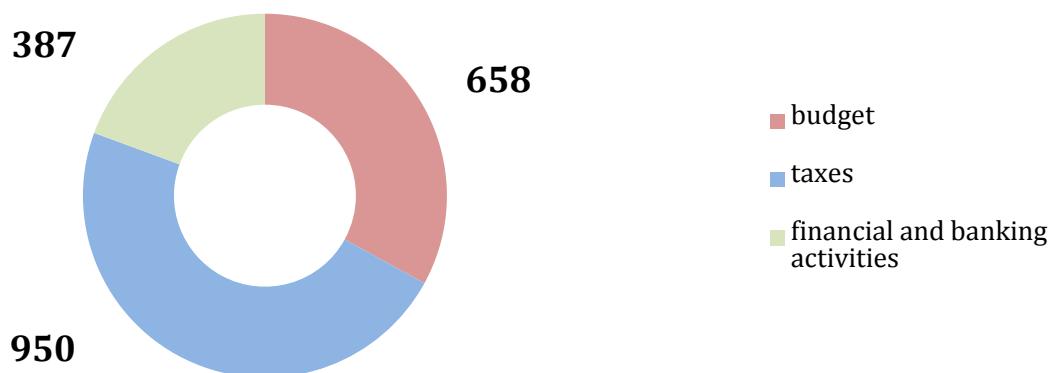
In the budget sphere, according to the bill for 2018, it was planned to adopt 2 laws:

«On the republican budget for 2019 - 2021»,

«On the guaranteed transfer from the National Fund of the Republic of Kazakhstan for 2019 - 2021».

A detailed analysis showed that there was one comment on the draft law on the republican budget, which was incorrectly answered, and the state agency-developer did not attach the draft files, and in fact, the discussion of the draft republican budget was not possible to get acquainted with it in the framework of public discussion. There were no suggestions or comments on the guaranteed transfer bill.

In addition to the 2 laws stipulated by the plan, in the legislative work at the republican and regional levels, 1,995 draft legal acts were submitted for public discussion. Regulatory spheres, draft legal acts were subdivided into projects in the field of budget (658), taxes (950) and financial regulation (387).



Draft normative legal acts in the context of the subject of regulation

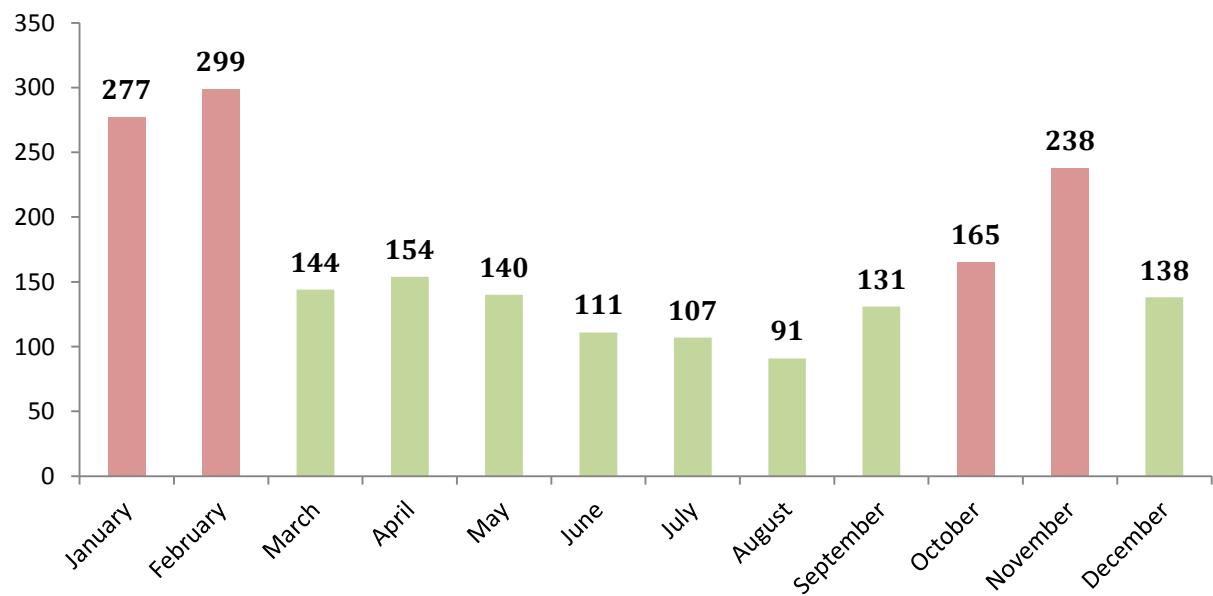
By types of legal acts, these were laws, concepts to laws, decrees, orders, standards and regulations of public services.

No	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	10	1	1
2.	Concept	3	0	0
3.	Regulatory Impact Analysis	19	17 to 17 projects	16
4.	Decision - the	261	24 to 21 projects	24

	developer of the central state body			
5.	Decision - developer of the local executive body	175	189 to 89 projects	144
6.	Order of the central state body	279	108 to 42 projects	104
7.	Order of the local executive body	1	0	0
8.	Order of the central state agency	1	0	0
9.	Decree	2	0	0
	Decision of the central state authority	5	8 to 4 projects	8
10.	Decision of the local executive body	1229	1204 to 583 projects	819
11.	Public Service Standard	7	1	0
12.	State service regulations	3	0	0
13.	TOTAL	1995	1561 to 758 projects	1129

The dynamics of public discussion of draft legal acts on budget, taxes and finances

Each month, users of the Portal «Open regulatory legal acts» were invited to participate in the discussion of about 165 draft legal acts, the largest number of which occurred in January, February, October and November 2018.

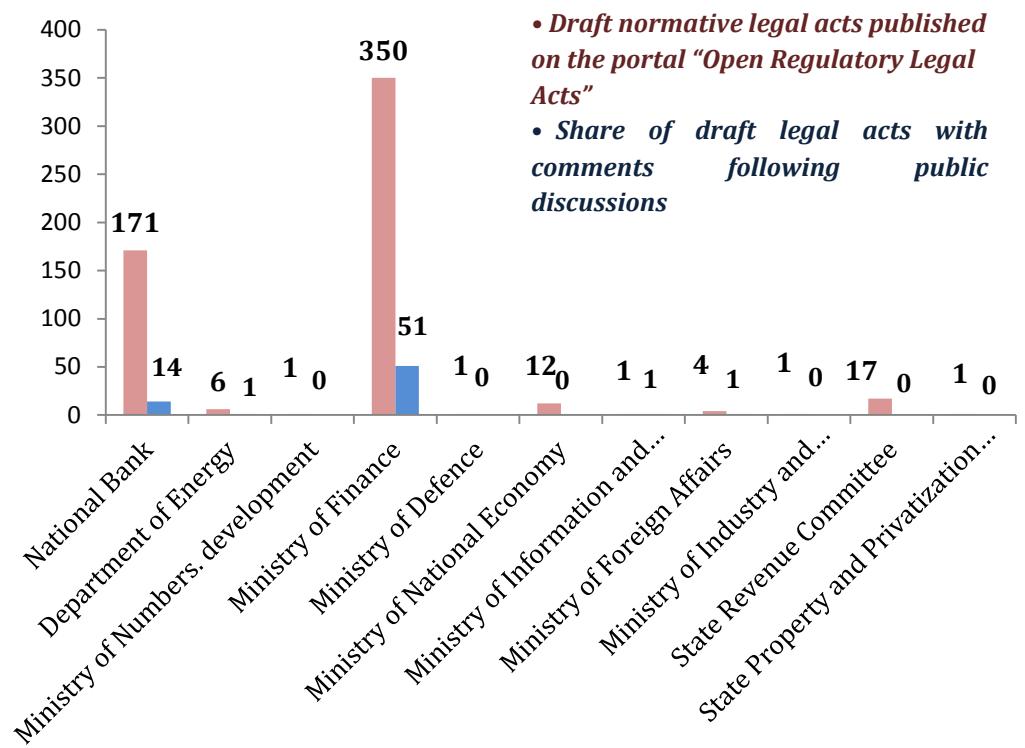


Publication of draft legal acts on the portal in the field of budget and taxes by months

At the level of central government bodies, the developers of 564 draft laws were the Ministry of Finance - 350 draft laws, the National Bank - 171, the State Revenue Committee - 17, the Ministry of National Economy - 12, energy - 6, and foreign affairs - 4. For the first draft, the draft laws were developed ministries of digital development, defense, information and communications, industry and infrastructure development, the State Property and Privatization Committee.

In the regional context, more often than others, draft laws and regulations developed by akimats of Almaty, Akmola, East Kazakhstan and Atyrau regions were submitted for public discussion. Least of all NAP projects in the field of budget, taxes and finance were developed by the Akimats of Almaty, Nur-Sultan, none of them - Shymkent.

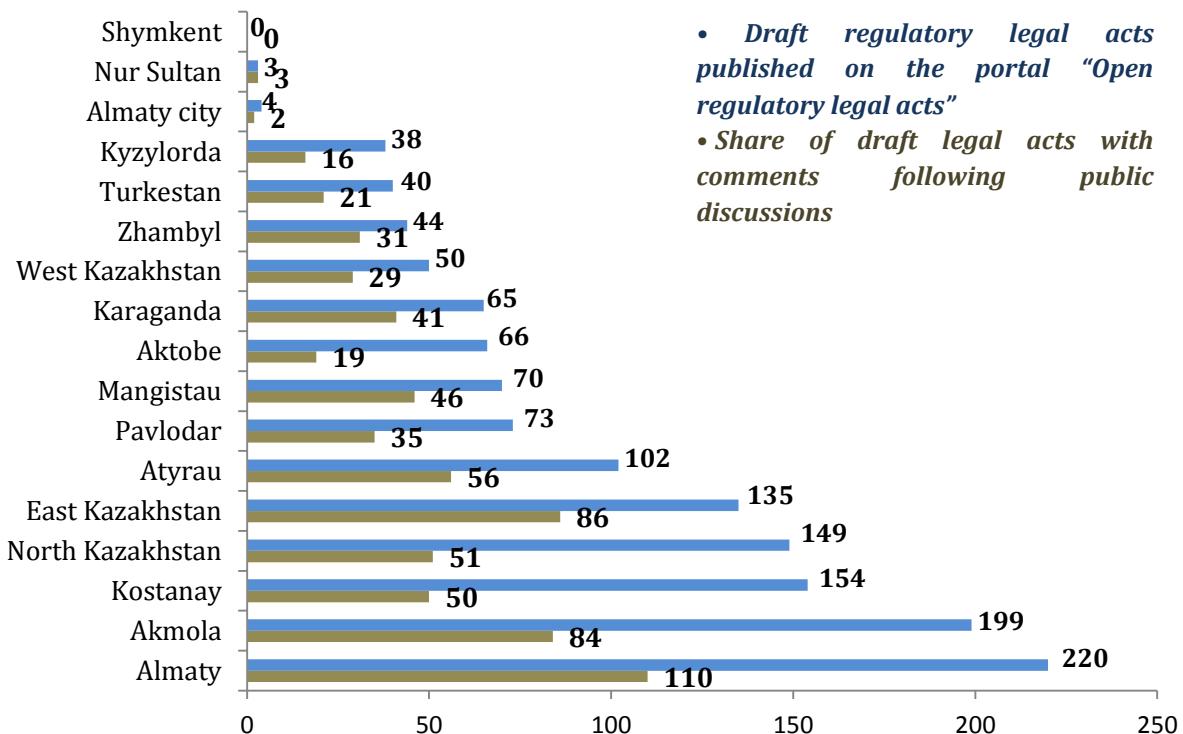
A quantitative analysis showed that out of **1 995** draft legal acts in the field of budget, taxes and finance, **38% (758)** of them received comments. A total of **1 561** comments were received, **72% (1 129)** of which the state-owned development agencies provided explanatory answers.



Budget regulatory projects by central government

Minimal participation in the discussion of draft legal acts is observed at the National Bank, ministries of national economy, industry and development and finance. In the regional context, participation is observed at the average level, about 1/3 of the draft legal acts are minimally commented.

The number of comments on one document varies between 1–45, two thirds make up 3-4 comments on one document.



Draft regulatory legal acts in the field of budget and taxes in the regional context

By types of legal acts, the largest number of comments was received on draft analyzes of regulatory development (89%), decisions of ministries (80%), decisions (50%) and decisions of akimats (47%). Less than a third of the comments were received by draft orders (15%) and decrees (8%) of central authorities.

Most comments received:

55 - according to the draft amendments of the Ministry of Finance to the rules of public procurement,

10 - according to the draft decision of the maslikhat of Taraz on land tax rates,

9 - according to the draft Kokpektinsky regional budget of East Kazakhstan region,

8 - on draft decisions of the Maslikhat of Shet district of Karaganda region on land tax rates and the maslikhat of Uralsk on taxes on currency exchange offices,

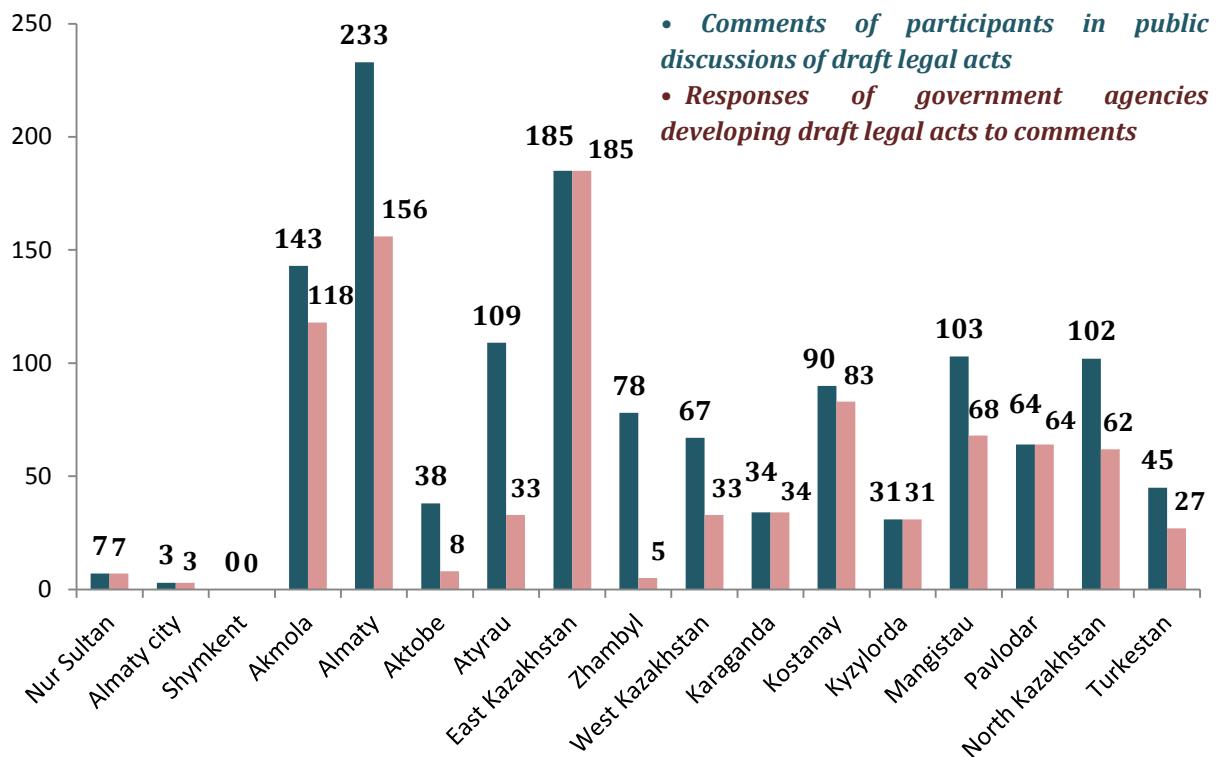
7 - on draft decisions of maslikhats in Pavlodar, Chingirlau district of West Kazakhstan, Makat district of Atyrau and Shet district of Karaganda regions on uniform fixed and land tax rates,

- *Draft regulatory legal acts published on the portal "Open regulatory legal acts"*
- *Share of draft legal acts with comments following public discussions*

6 - to 15 draft budgets and taxes of Atyrau, Turkestan, Zhambyl, Mangistau, Kegen, Ili, Alakol districts of Almaty, Kurchum district of East Kazakhstan, Arshaly district of Akmola, Balkhash district of Karaganda, district named after G. Musrepova of the North Kazakhstan regions and the draft amendments to the governance system of the National Bank,

5 - to 26 draft amendments to the Ministry of Finance on tax rates for entrepreneurs, district budgets of Pavlodar, Atyrau, Turkestan, Akmola, North Kazakhstan, Almaty, East Kazakhstan, Mangistau, Kyzylorda, Zhambyl regions.

The most comments were received on the draft laws of the Ministry of Finance (123) and the National Bank (26), as well as on the projects developed by the Akimats of Almaty, East Kazakhstan, Akmola, Atyrau, Kyzylorda, Mangistau, Turkestan, Zhambyl Karaganda regions, Nur Sultan.



Comments and remarks on draft legislative acts in the field of budget and taxes

On the part of the authorities, the interaction with participants in the public discussion on the portal «Open regulatory legal acts» was carried out in different dynamics. So, all the comments of participants in public discussions of draft normative legal acts were reacted by state bodies of the city of Nur-Sultan, Almaty, Karaganda, East Kazakhstan and Pavlodar regions.

More than half of the comments were commented by state bodies of the Akmola, Almaty, Kostanai, Mangistau North Kazakhstan and Turkestan regions. Least of all

were the comments of participants in public discussions in the Aktobe, Atyrau and Zhambyl regions.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the field of agriculture showed the following:

1. In the field of budgetary, tax and financial relations, a high degree of rulemaking is observed, the leaders are 6 regions of Kazakhstan, which developed over 100 draft legal acts each in 2018. In these areas, there is an average degree of civic participation in the discussion of bills. But on the part of the authorities there is a high degree of interest in studying and responding to comments received, with the exception of the Atyrau region.

2. The degree of civic participation depends on the number of proposals proposed by the authorities for discussion of draft legal acts: in those regions where fewer bills have been developed, participation is higher, where more is lower. This is often associated with duplication of the same draft legal acts, which creates confusion among the participants in public discussions in determining the final version of the draft legal acts. In Aktobe, Atyrau and Zhambyl regions, authorities took into account less than half of the comments received during the public discussion of draft legal acts.

Qualitative analysis of the impact on legislative activities

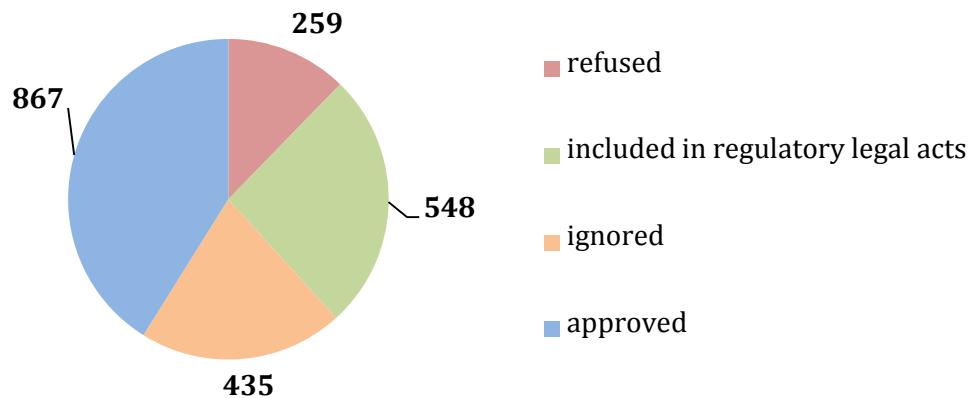
A qualitative analysis of citizens' participation in the discussion of draft legal acts in the field of budget, taxes and finance showed that during 2018, government development agencies responded to 1 129 of 1 561 comments and suggestions from participants in public discussions.

A study of the answers of state bodies showed that almost all technical comments regarding errors in the design of texts of draft legal acts, links to other norms and violation of the terms of public discussion on the portal were proposed mainly by one person, few conceptual proposals came from 10 people and 8 companies .

From **1 561** comments of participants in public discussions on **758** draft legal acts:

- **435** (27.8%) were left unanswered,
- **259** (16.6%) comments on **123** draft laws were refused, including 125 comments were clarified, 2 - the questions were incorrectly drawn up, another 29 - the answers of state development agencies did not correspond to the subject of the question,
- **867** (55.5%) comments on **483** draft legal acts approved and accepted for work, *of which:*

- **548** (35%) of proposals and comments were included in the approved **313** regulatory acts,
- **3** (0.2%) of the draft legal acts on the recommendations of users were not accepted by the authorities and were not put into effect.



Analysis of work with proposals of citizens in the field of budget, finance and taxes

Regarding the types of normative acts, it is worth noting that the proposals were adopted on by-laws of the legal acts, as decisions, orders and decisions of the central and local executive bodies, the National Bank, analyzes of the regulatory impact of akimats.

In the context of central and regional state bodies, the degree of influence on the legislative activity of citizens can be estimated as below average. The most common developer mistakes were:

- publication of the project without attachment of documentation (as it was with the draft republican budget for 2019-2021),
- violation of the terms of public discussion of draft legal acts,
- errors in the design of the requisite part of the documents, the timing of the adoption of the legal acts, grammatical and stylistic errors,
- adoption of the regulatory legal acts before the entry into force of a higher regulatory level act,
- lack of understanding in which cases it is necessary to put or not reference laws at a loss,
- tax increases contrary to the norms established by the Tax Code,
- lack of understanding of the authority of akimats and maslikhats in approving local budgets of the fourth level,
- lack of understanding of the differences between types of taxes,

- reducing the time for public discussion of draft legal acts of the sub-legislative level, which are not covered by the rules of the public discussion of draft legal acts in terms of determining the draft urgent,
- formalism in drafting legal acts, answers and justifications.

It is worth noting that government authorities did not always provide correct explanations for user comments. Thus, the Ministry of Finance did not provide a single clear answer to 46 questions, comments and objections of citizens and companies on the draft amendment of the rules for public procurement¹².

In some cases, government agencies at the central and regional levels refused to consider recommendations for the premature development of by-laws of normative legal acts for which higher laws had not yet entered into force. As a result, a few months later, these regulatory legal acts were put to a loss and then put up for discussion again.

Another common practice among akimats and maslikhats at the district and city levels has been the development of new draft normative legal acts without imposing the loss of previous versions of normative legal acts, as well as the adoption of regulatory norms in violation of the requirements of a higher code regarding the restrictions on the time limits for the enforcement or validity of this regulatory legal act.

For example, certain provisions of the Tax Code require the introduction of new tax payments from January 1 of the next year, subject to the adoption of this regulatory act before December 1 of the current year¹³, or the effect of another norm of the same code is limited to January 1, 2020¹⁴.

However, with the exception of 15 maslikhats, the rest ignored these requirements and adopted new land tax rates in violation of the Tax Code, thus creating the conditions for various interpretations and corruption risks.

№	Draft law	Commentary by a participant in a public discussion of a draft regulatory act	Response of the state body-developer of the draft regulatory acts
1	LAW OF THE REPUBLIC OF KAZAKHSTAN «On the republican budget	Good afternoon, when will you add the text of the draft law? It is possible without tables	The draft law «On the republican budget for 2019-2021», posted on the portal of open LAs, includes the text of the draft law and its

¹² <https://legalacts.egov.kz/npa/view?id=2047090>

¹³ Art. 510 of the Tax Code of the Republic of Kazakhstan <http://adilet.zan.kz/rus/docs/K1700000120#z9295>

¹⁴ Art. 50 of the Law "On the enactment of the Code of the Republic of Kazakhstan" On taxes and other obligatory payments to the budget (Tax Code) ", which establishes a special procedure for the operation of Art. 704 of the Tax Code of the Republic of Kazakhstan

	for 2019 - 2021»	with numbers	<p>annexes. Also, the draft law is posted on the website of the Ministry of Finance of the Republic of Kazakhstan in the «Budget Process» section. In accordance with Article 71 of the Budget Code, the text of the draft law on the republican budget should contain for the next financial year: income, transfers, expenses, net budget loans, financial asset balances, deficit (surplus), non-oil deficit (surplus), financing the budget deficit (using surplus); minimum wages, pensions, monthly calculation index, living wage and state basic pension payment; the size of the increase in pension payments by age and pension payments for length of service; volumes of budgetary withdrawals from local budgets to the republican budget; volumes of budget subventions transferred from the republican budget to local budgets; volume of guaranteed transfer from the National Fund of the Republic of Kazakhstan; the size of the reserve of the Government of the Republic of Kazakhstan with the allocation of the size of the special reserve; limit for the provision of state guarantees of the Republic of Kazakhstan; limit on the provision of state guarantees; government debt limit; limit of state obligations for public-private partnership projects, including state concession obligations, of the Government of the Republic of Kazakhstan; other provisions.</p> <p>Note: текст проекта закона так и не вложили.</p>
2	Order of the Minister of Finance of the Republic of Kazakhstan «On Amending the Order	And where is the draft order itself? The Portal contains only its title.	<p>This order has been re-posted on the portal and processed without comment on 05/21/2018.</p> <p>Note:</p>

	of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Finance of the Republic of Kazakhstan dated April 28, 2014 No. 191» On Approval of the Rules for the Qualification Exam»- developer Ministry of Finance		a comment was posted on May 5, but the state agency developer on the last day of public discussion created another version of the project, creating confusion and depriving citizens of the opportunity to familiarize themselves with the project and make suggestions.
3	About recognition become invalid for decisions of Fedorovsky regional maslikhat - developer maslikhat of the Fedorov district of Kostanay region	And the decision of Maslikhat of the Fedorovsky district of the Kostanay region dated April 8, 2016 No. 15 «On increasing the basic rates of land tax and single land tax rates» remains valid?	In accordance with paragraph 7 of the Rules for the posting and public discussion of draft concepts of draft laws and draft regulatory legal acts on the Internet portal of Open regulatory legal acts approved by order of acting Minister of Investment and Development of the Republic of Kazakhstan dated December 30, 2015 No. 1272, we believe that your comment does not apply to this draft decision of the regional maslikhat.
4	About recognition become invalid for some decisions of the Uyghur regional maslikhat Developer - Uyghur district maslikhat of Almaty region	And a similar decision of the Uyghur district maslikhat of the Almaty region dated February 1, 2016 No. 56-2 «On increasing the basic rates of land tax in the Uygur region» (Registered by the Department of Justice of the Almaty region on March 9, 2016 No. 3746; published: Legal Information System «іділет» 04/26/2016) remains valid?	This decision is invalidated by the decision of the Uyghur district maslikhat dated 04/01/2016 No. 6-2-12. But, for unknown reasons, it was not published in the IPS idilet. As soon as possible will be published. Note: as of December 4, 2019, this decision has not yet been put in loss and has not been published in the Reference Bank of the Ministry of Justice.

Examples of incorrect answers in the field of budget, finance and taxes

Thus, we can conclude that in the field of budget, finance and taxes, government bodies, developers of draft legal acts listen to comments of a technical nature.

Index of participation and impact on legislative activities in the field of budget, finance and taxes

The users of the Portal «Open regulatory legal acts» commented on 38% (758 out of 1,995) of draft legal acts in the field of budget, taxes and finance. State authorities, developers of draft regulatory legal acts, responded to 72% (1,129 of 1,561) of the comments.

The index of participation in the discussion of bills in the field of budget, taxes and finance will be **38 points**.

From the standpoint of government regulatory development agencies, the willingness to discuss citizens' suggestions and comments in public discussions will be **63.5 points**.

Of the 1,561 comments, the state development agencies approved 55.5% (867) of the comments received, of which 35% (548) were included in 313 regulations, another 3 (0.2%) of the draft regulations on the recommendations of users were not adopted by the authorities and not put into effect.

The index of influence on legislative activities in the field of budget, taxes and finance will be **40.8 points**.

2.11. ECOLOGY (150 DRAFT LEGAL ACTS)

Quantitative analysis of participation in the discussion of draft legal acts

According to the plan of legislative work for 2018, it was supposed to adopt 1 law: «On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on the Regulation of Greenhouse Gases and Ozone-Depleting Substances».

The draft law stipulated by the government plan **was not submitted**¹⁵ for public discussion in 2018, **it was not published** on the website of the state body of the developer¹⁶, and it was not submitted for consideration and approval with the deputies of the parliament¹⁷.

However, at the republican and regional level, **150** draft regulatory legal acts in the field of ecology, waste recycling and compensation for ozone layer pollution were submitted for public discussion. By types of regulatory acts, these were laws, concepts to laws, decrees, orders, standards and regulations of public services.

Nº	Type of legal acts	Number of normative legal acts	Comments received	Government responses to comments
1.	Law	1	0	0
2.	Concept	5	1	1
3.	Regulatory Impact Analysis	1	1	1
4.	Decision - the developer of the central state body	4	0	0
5.	Decision - developer of the local executive body	5	5 to 2 projects	3
6.	Order of the central state body	26	31 to 8 projects	31
7.	Decision of the local executive body	108	124 to 60 projects	96
8.	ИТОГО	150	162 to 72 projects	132

The dynamics of the public discussion of draft environmental legislation

On a monthly basis, users of the Open Normative Legal Acts portal were invited to participate in the discussion of about 12 draft regulatory acts in the field of ecology, the largest number of which occurred in January, March, June, and November 2018.

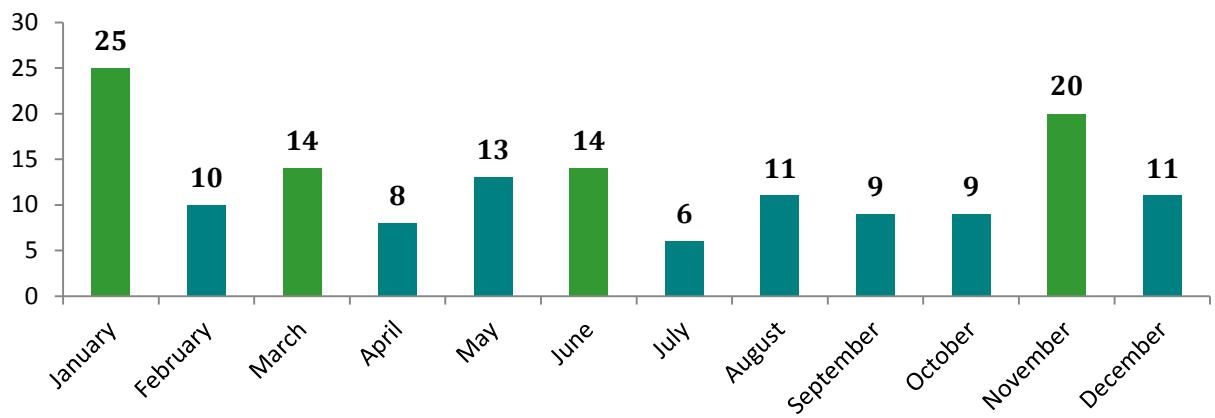
¹⁵ <https://legalacts.egov.kz>

¹⁶ <http://energo.gov.kz/index.php?id=1573&page=34>

¹⁷ <http://www.parlam.kz/ru/mazhilis/Files/Pdf?file=%2Fru%2Fmazhilis%2FFiles%2FGetPdf%3Fid%3D12449>

At the level of central government bodies, the developer of 36 draft normative legal acts was the Ministry of Ecology.

In the regional context, draft normative legal acts developed by akimats of the Karaganda, West Kazakhstan and East Kazakhstan regions were submitted to public discussion more often than others. The Akimats of Almaty, Nur-Sultan, Atyrau Oblast, and none of them, Shymkent, published the least draft regulatory legal acts in the field of ecology.



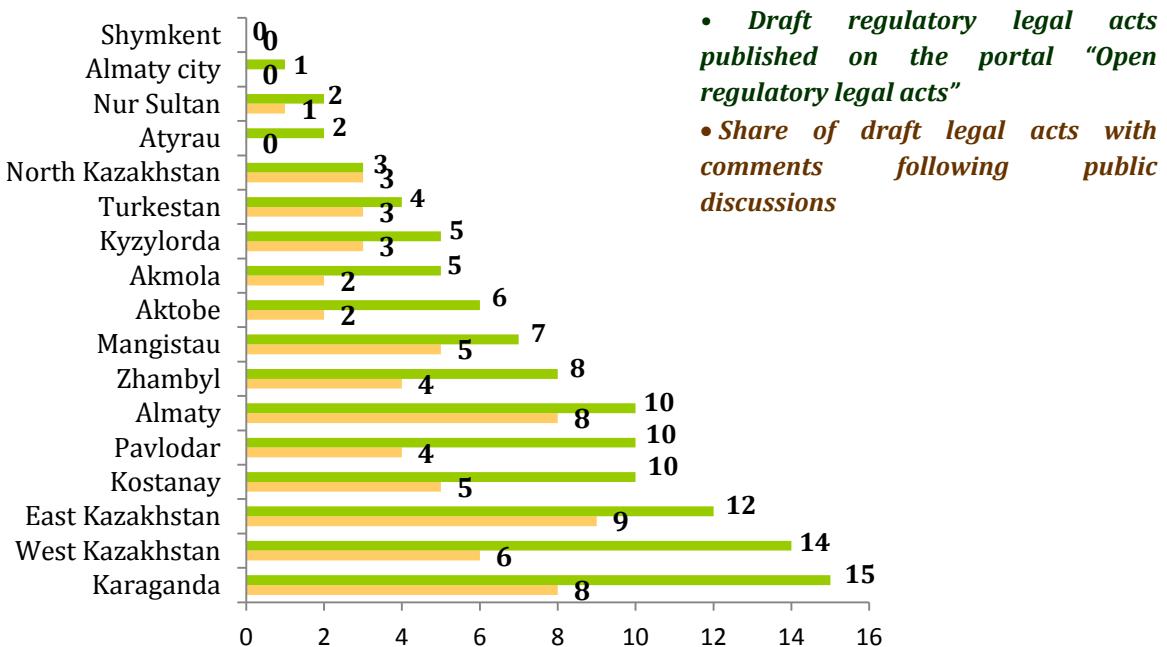
Publication of draft legal acts on the portal in the field of ecology by months

A quantitative analysis showed that out of **150** environmental policy projects, **48% (72)** of it received comments. A total of **162** comments were received from users of the Portal «Open regulatory legal acts», **81% (132)** of which state-owned development agencies provided explanatory answers.

In all areas there is a high degree of participation in the discussion of draft legal acts. The number of comments on one document varies between 1–9, but three quarters of them do not exceed 1 comment.

By types of regulatory legal acts, the largest number of comments was received on draft decrees and decisions of akimats and orders of the ministry.

In the regional context, more comments were received on draft normative legal acts developed by akimats of Almaty, Karaganda, East Kazakhstan, and Kostanai regions, there was no discussion of draft regulatory legal acts developed by akimats of Atyrau region and Almaty.



Projects of environmental legislation in the regional context

A detailed analysis showed that the largest number of comments were received on the following draft legal acts:

9 - amendments by the Ministry of Energy to the procedure for automated monitoring of emissions into the environment during industrial environmental control,

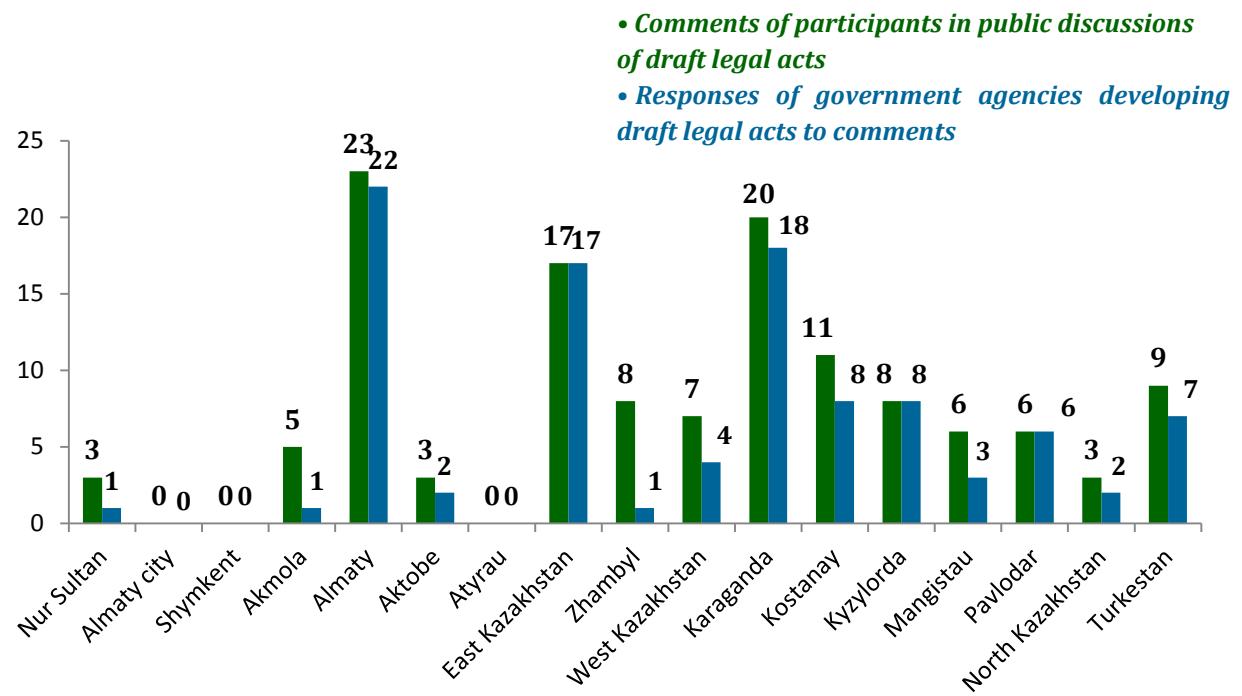
8 - the decision of the akimat of the Almaty region on the approval of tariffs and standards for the formation and accumulation of waste in the Koksu district,

7 - additions of the Ministry of Energy to the methodology for calculating payment for the collection, removal and disposal of waste,

by 5 - decisions of the akimats of Kyzylorda, Almaty, Turkestan and East Kazakhstan regions on the approval of tariffs and norms for the generation and accumulation of waste.

At the same time, on the part of the authorities, the interaction with the participants in the public discussion on the portal «Open regulatory legal acts» was carried out in different dynamics. So, all the authorities reacted to all comments of the East Kazakhstan, Kyzylorda and Pavlodar regions.

- *Draft regulatory legal acts published on the portal "Open regulatory legal acts"*
- *Share of draft legal acts with comments following public discussions*



Comments and remarks on environmental regulatory projects

More than half of the comments were commented by state bodies of the Almaty, Karaganda and Turkestan regions. Least of all were the comments of participants in public discussions in the Akmolinsk region and Nur-Sultan.

Thus, a quantitative analysis of participation in the discussion of draft regulatory enactments in the field of ecology showed the following:

1. In the field of ecology, there is a degree below the average norm-setting, the leaders were 6 regions of Kazakhstan, which developed in 2018 about half of all draft legal acts. Moreover, in these areas there is an active degree of civic participation in the discussion of bills and dialogue between the authorities in the study and response to comments received.

2. The degree of civic participation does not depend on the number of proposals proposed by the authorities to discuss draft legal acts and is characterized as average.

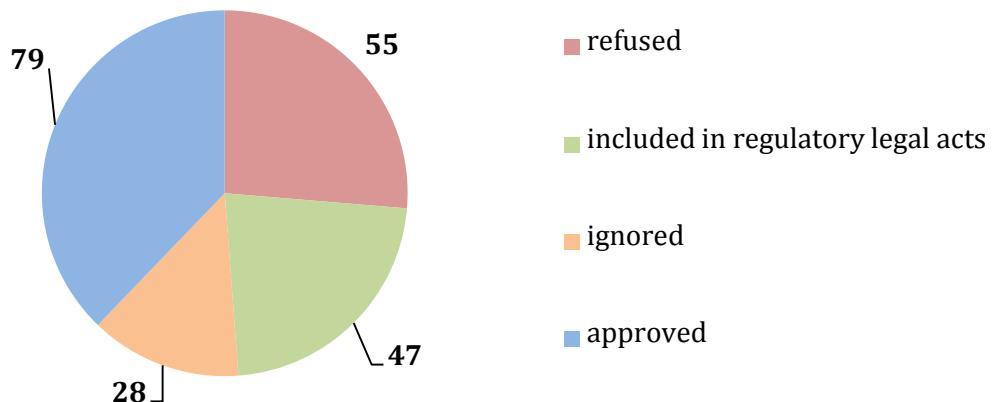
Qualitative analysis of the impact on legislative activities

A quantitative analysis of citizen participation in the discussion of environmental regulatory projects has shown that during 2018, government development agencies responded to 132 of 162 comments and suggestions from public discussion participants on 72 draft regulatory acts.

A study of the responses of state bodies showed that almost all technical comments regarding errors in the design of texts of draft legal acts, links to other norms and violation of the terms of public discussion on the portal were proposed by one person, few conceptual proposals came from 3 people and 2 companies.

Out of 162 comments of participants in public discussions on 72 draft legal acts:

- 28 (17%) were left unanswered,
- 55 (34%) comments on 21 draft legal acts were refused, including 27 comments were clarified, 2 more were answered by state development agencies did not correspond to the subject matter,
- 79 (48.7%) comments on 47 draft legal acts were approved and accepted for work, *of which*
- 47 (29%) of the proposals and comments were included in the approved 29 regulatory acts,
- 1 (0.6%) draft legal act on the recommendation of users was not accepted by the authorities and was not put into effect.



Analysis of work with the proposals of citizens in the field of ecology

Regarding the types of normative acts, it is worth noting that the proposals of the participants in public discussions were adopted on sub-legislative types of normative legal acts, as orders of the ministry, resolutions and decisions of akimats and maslikhats.

The most common mistakes of developers were the publication of the project without attachment of documentation, lack of understanding of the calculation of introduced tariffs, violation of the terms of public discussion, errors in the design of the requisite part of the documents, the timing of the adoption of the legal acts, grammatical and stylistic errors.

Government authorities did not always provide correct explanations for user comments.

Draft law	Commentary by a participant in a public discussion of a draft regulatory legal act	Response of the state body-developer of the draft regulatory acts
<p>On amendments to the order of the Minister of Energy of the Republic of Kazakhstan dated December 27, 2017 No. 478 «On approval of the state service standard» Conclusion of the authorized body of the Member States of the Eurasian Economic Union on the transit of hazardous waste through the customs territory of the Eurasian Economic Union»- developer Department of Energy</p>	<p>According to Article 15 of the Law of the Republic of Kazakhstan dated April 15, 2013 «On Public Services», a public discussion of draft legal acts on introducing amendments and (or) additions to the approved standards of public services, as well as draft standards of public services, is carried out within thirty calendar days from the day posting them for public comment. Those in this case, there is a violation by the developer body of the legislatively established deadline for public discussion of the draft regulatory acts.</p>	<p>The Ministry of Energy of the Republic of Kazakhstan (hereinafter referred to as the Ministry) reports that paragraphs 1.1 and 1.3 of the Roadmap for optimizing the state service «Conclusion of the authorized body of the Member States of the Eurasian Economic Union on the transit of hazardous waste through the customs territory of the Eurasian Economic Union» (hereinafter referred to as the state service), approved by the Deputy Prime Minister of the Republic of Kazakhstan A.K. Zhumagaliyev dated 07/02/2018, it is envisaged to amend the order of the Ministry of Energy of the Republic of Kazakhstan No. 478 dated 12/27/2017 «On approval of the public service» Conclusion of the authorized body of the Member States of the Eurasian Economic Union on the transit of hazardous waste through the customs territory of the Eurasian Economic Union «(hereinafter referred to as an order) regarding the reduction of the term for the provision of public services from 30 business days to 10 business days, as well as the provision of public services through a non-profit joint-stock company «The State Government Corporation for Citizens. Deputy Prime Minister of the Republic of Kazakhstan A. Zhumagaliyev at the meeting of the Interdepartmental Commission on the selection of public services to be provided through the Government for Citizens State Corporation on 01/01/2018 regarding the implementation of Roadmaps for optimizing and automating public services, it was entrusted to consider the possibility of agreeing and approving standards for the</p>

		provision of public services before updating the Register of public services, and report on the results at the next meeting of the MVK (clause 1.3 of protocol No. 17-3 / 05-2105 of 11/01/2018). In pursuance of the aforementioned order, the Ministry of Energy is working to agree on changes to the order.
--	--	---

Wrong answer from the Department of Energy in a public comment

Thus, we can conclude that in the field of ecology, government bodies, developers of draft regulatory acts listen to comments of a technical nature. The state bodies refused to refer to the conceptual comments of five participants in public discussions or referred to other ministries, which, in their opinion, are responsible for resolving these issues.

Index of participation and impact on legislative activities in the field of ecology

The users of the Portal «Open regulatory legal acts» commented on 48% (72 out of 150) of environmental regulatory projects. State authorities, developers of draft regulatory legal acts, responded to 81% (132 of 162) of the comments.

The index of participation in the discussion of bills in the field of ecology will be **48 points**.

From the point of view of state bodies developing normative legal acts, the readiness to discuss proposals and comments of citizens in public discussions will be **65 points**.

Of the 162 comments, the government development agencies approved 48.7% (79) of the comments received, including 29% (47) included 29 adopted regulatory acts, and another 1 (0.4%) draft regulatory act was not adopted by the authorities on user recommendations and not put into effect.

The impact index on legislative activities in the ecology of Kazakhstan will be **37 points**.

2.12. PROCEDURAL LEGISLATION (2 DRAFT LEGAL ACTS)

Quantitative and qualitative analysis of participation in the discussion of draft legal acts

According to the plan of legislative work for 2018, it was supposed to adopt 2 normative acts (code and law):

1. Administrative Procedure Code,
2. On introducing amendments and addenda to some legislative acts of the Republic of Kazakhstan on issues of administrative procedural legislation of the Republic of Kazakhstan.

The term for coordination with the Ministry of Justice is April, and it will be submitted to Parliament in August 2018.

The draft code was put up for public discussion twice - in May and September 2018 and there were no proposals from citizens or companies from users of Open Regulatory Acts portal.

Under the draft law on amendments to the Code of Administrative Procedure, public discussion was held three times - in February, May and September. No suggestions or comments were received.

Thus, a quantitative and qualitative analysis of participation in the discussion of draft legal acts showed a lack of civic participation in the discussion of draft laws.

Index of participation and impact on legislative activities in the field of administrative-procedural legislation

The users of the Portal «Open regulatory legal acts» did not participate in the discussion of draft laws and regulations, therefore, the index of participation and influence on the legislative process in the field of procedural legislation will be **0 points**.

2.13. LICENSE ACTIVITY AND GAMING BUSINESS (2 DRAFT LEGAL ACTS)

Quantitative and qualitative analysis of participation in the discussion of draft legal acts

In the field of gambling, according to the plan of legislative work for 2018, it was supposed to adopt 1 law «On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Gambling».

The deadline for coordination with the Ministry of Justice is February, and it will be submitted to Parliament in May 2018.

The draft amendment law was submitted for discussion in February 2018 and there were no suggestions from citizens regarding the portal «Open regulatory legal acts» users¹⁸. Gambling professional associations negatively evaluated the proposed amendments. At the end of August, discussions were held on the bill at the site of the National Chamber of Entrepreneurs, during which entrepreneurs disagreed, saying that the amendments would not solve the problems of the shadow gaming business, but would limit the activities of legal bookmakers.

In addition, the creation of a single operator, according to industry associations, will lead to a monopoly in this area using administrative resources in this area¹⁹. They also opposed the quarterly deduction of 15% of income for the development of sports and the withdrawal of slot machines into a separate type of activity in gaming zones.

Government Decision No. 919 of December 29, 2018 introduced the bill for consideration by the lower house of parliament²⁰. In this version of the bill, the volume of amendments proposed by the Ministry of Culture and Sports has been significantly reduced, provisions on deductions and the introduction of a single operator have been deleted. The proposed draft amendments to the Land Code on empowering akimats with the authority to issue permits for certain zones for casinos and slot machines are excluded from the text of the bill.

Thus, it can be noted that the bill entered the lower house of Parliament taking into account the positions of the business community. However, at the moment, this bill is still under consideration in the lower house of Parliament and it is not possible to fully assess the real impact of citizens and the business community on the legislative activity in the field of gambling²¹.

¹⁸ <https://legalacts.egov.kz/npa/view?id=1854281>

¹⁹ <https://atameken.kz/ru/news/30324-konec-igry-v-rk-peresmatrivayut-zakon-ob-igornom-biznese>

²⁰ <http://adilet.zan.kz/rus/docs/P1800000919>

²¹ As of November 30, 2019

In the field of lottery and gambling, the Ministry of Culture and Sports in 2018 submitted for public discussion draft amendments to the standards of public services.

During the public discussion, 4 comments were received from one user. All comments related to technical errors in the text of the draft order on amendments and were adopted by the developing body and entered the final version of the order of the Minister of Culture and Sports.

Thus, a quantitative analysis of participation in the discussion of draft legal acts in the field of gambling showed the following:

1. There is a low degree of rulemaking at the central and regional level on the topic of gambling.
2. An average degree of civic participation and a high degree of participation by the business community in the discussion of bills are noted. The authorities have a high degree of interest in studying and responding to comments received. Given that the bill on amendments is in parliament, it is currently not possible to fully assess the impact of citizens and businesses on the legislative process in the gambling business.

There is also a low degree of civic participation in the discussion of the by-laws of the draft legal regulation, all proposals were sent by one person and related to technical errors in the text that were eliminated.

Index of participation and influence on the legislative activity in the field of gambling

The users of the Portal «Open regulatory legal acts» commented on 50% (1 of 2) of the draft regulatory legal acts in the field of gambling. According to the draft law, it is not possible to compile an index of influence; according to the draft standard, government agencies, developers of draft regulatory legal acts have responded to 100% (4 out of 4) comments.

The index of participation in the discussion of bills in the field of gambling will be **50 points**.

From the standpoint of state bodies developing normative legal acts, the readiness to discuss proposals of participants in public discussions will be **100 points**.

The index of influence on the legislative activity in the gambling industry will also be 100 points, since all 4 comments received were included in the final version of regulatory legal acts. But, given that the main bill has not been adopted, **it seems premature to assess the influence** of citizens on the bill issue in the field of licensing and gambling.

CHAPTER 3. INDEX OF PARTICIPATION AND INFLUENCE ON THE LEGISLATIVE PROCESS IN KAZAKHSTAN

To determine the participation index and the impact on the legislative process in Kazakhstan, **4 963** draft normative legal acts were unloaded in the areas of public relations designated in the research methodology.

Of these 4 963 draft regulatory legal acts, **1 673** draft regulatory legal acts were selected, according to which **3 375** comments, suggestions and comments were received from citizens and companies.

An analysis of **3 375** comments and **2 504** responses from government developers on 1 673 projects showed that **55%** of the proposals and comments were accepted.

Of the **1 840** approved proposals of citizens and companies to **1 072** draft regulatory legal acts, the final versions of the adopted **756** regulatory acts included **1 212** ideas of citizens.

The dynamics of participation, discussion and impact on lawmaking in the context of draft normative legal acts and comments are presented in the tables below.

No	Draft regulatory legal acts in the field of relations	The total number of draft regulatory legal acts	Draft normative legal acts with comments of	Draft normative legal acts with the answers of government agencies-developers	Normative legal acts adopted taking into account the proposals of citizens
1	Agriculture	1650	462	264	192
2	Suffrage	285	135	105	93
3	Transport	507	129	82	70
4	Historical and cultural heritage	5	1	1	1
5	Sport	56	11	9	7
6	Redistribution of power	6	2	1	not applicable
7	Housing and utilities	51	15	9	5
8	Healthcare	247	85	68	45
9	Solvency of citizens	7	1	1	not applicable
10	Budget, Taxes and Finance	1995	758	483	313
11	Ecology	150	72	47	29
12	Procedural legislation	2	0	not applicable	not applicable
13	Licensing and gambling	2	2	2	1
14	TOTAL	4963	1673	1072	756

Dynamics of participation, discussion and impact on lawmaking in the context of draft legal acts

Nº	Draft regulatory legal acts in the field of relations	Total number of comments on draft regulatory legal acts in the field of relations	Replies from government agencies to comments	Comments approved and accepted in the work	Comments of citizens included in the final normative legal acts
1	Agriculture	783	497	392	275
2	Suffrage	247	213	180	157
3	Transport	245	190	119	70
4	Historical and cultural heritage	5	5	5	2
5	Sport	29	23	22	10
6	Redistribution of power	3	3	2	not applicable
7	Housing and utilities	25	22	17	8
8	Healthcare	309	284	151	91
9	Solvency of citizens	2	2	2	not applicable
10	Budget, Taxes and Finance	1561	1129	867	548
11	Ecology	162	132	79	47
12	Procedural legislation	0	not applicable	not applicable	not applicable
13	Licensing and gambling	4	4	4	4
14	TOTAL	3 375	2 504	1 840	1 212

Dynamics of participation, discussion and impact on lawmaking in the context of comments

Based on the data on the dynamics of citizen participation in the discussion of draft legal acts, the willingness of government agencies-developers of draft legal acts to discuss and accept comments and suggestions, a corresponding index of participation and influence on the legislative process in Kazakhstan was compiled based on the results of 2018.

Nº	Draft regulatory legal acts in the field of relations	Index of civic participation in the discussion of draft regulatory legal acts, points	The readiness index of government agencies to discuss civilian proposals for draft regulatory legal acts, points	Index of influence on the legislative process, points
1	Agriculture	28	51	54
2	Suffrage	47	75	76
3	Transport	25	49,8	34,8
4	Historical and cultural heritage	20	100	40
5	Sport	19	75,8	34,6

6	Redistribution of power	33	66	not applicable
7	Housing and utilities	29	76	25,8
8	Healthcare	34	88,6	46
9	Solvency of citizens	14	100	not applicable
10	Budget, Taxes and Finance	38	63,5	40,8
11	Ecology	48	65	37
12	Procedural legislation	0	not applicable	not applicable
13	Licensing and gambling	50	100	not applicable

Index of participation, willingness to discuss and impact on the lawmaking of Kazakhstan

Citizens and companies took the most part in the discussion of draft laws in the field of licensing - 50 points, ecology - 48 points, elections - 47 points, budget and tax issues - 38 points and health care - 34 points.

Government agencies, developers of draft legal acts in the field of historical and cultural heritage, on the issues of restoring the solvency of citizens and licensing activities, discussed the proposals at the highest level, gaining 100 points.

Also, the state-developers of the regulatory acts in the field of health discussed 88.6 points, housing and communal services - 76 points, sports - 75.8 points, and electoral processes - 75 points.

The greatest degree of influence on the legislative process is noted in the sphere of elections - 76 points, agriculture - 54 points, health care - 46 points, despite the fact that participation in the public discussion of draft legislative acts was at average and below average levels.

Thus,