

## **LAW OF THE KYRGYZ REPUBLIC** **of July 31, 2015 No. 210**

### **About bases of administrative activities and ministerial procedures**

**Accepted by Jogorku Kenesh of the Kyrgyz Republic on June 29, 2015**

This Law:

1) it is based on requirements of the regulations [of the Constitution](#) of the Kyrgyz Republic determining that state bodies and local government bodies when implementing the powers shall act on the basis of the principles of openness and responsibility to the people and for the benefit of the people to serve all society, but not its some part;

2) determines the single and basic principles, rules and procedures of activities of state bodies and local government bodies in relations with physical persons and legal entities.

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

#### **Article 1. Subject of regulation of this Law**

This Law:

- 1) establishes bases of administrative activities of public nature;
- 2) regulates legal relationship between administrative authorities and physical, legal entities when implementing ministerial procedures;
- 3) is determined by procedure:
  - a) appeals of the administrative act, actions and failure to act of administrative authorities;
  - b) execution of the administrative act;
  - c) penalties of administrative expenses;
  - d) the indemnification caused by ministerial procedure.

#### **Article 2. Coverage of this Law**

1. Action of Chapters 1-3, [of Chapter 15](#) of this Law extends to actions of administrative authorities in the field of the public relations.

2. Action of Chapters 4-15 of this Law extends to such actions of administrative authorities which come to the end with adoption of the administrative act. Action [of Chapters 10-15](#) of this Law extends also to such actions and failure to act of administrative authorities which attract the actual effects for persons.

3. Features of administrative activities of some administrative authorities are determined by the special laws which are not contradicting this Law and the international treaties which came in the procedure established by the law into force which participant is the Kyrgyz Republic.

4. Operation of this Law does not extend on:

- 1) the relations regulated by regulations of the procedural legislation of the Kyrgyz Republic (further - the legislation);
- 2) the relations regulated by the legislation on operational search activities;
- 3) the relations regulated by the legislation on administrative offenses;
- 4) the relations regulated by the legislation on regulatory legal acts;

- 5) the relations regulated by regulations of the voting right, the legislation on referendum;
- 6) the civil relations regulated by the civil legislation of the Kyrgyz Republic if other is not provided by this Law;
- 7) the relations connected with making of notarial actions;
- 8) the relations connected with execution of court resolutions;
- 9) the relations regulated by labor right, the legislation on public service, passing and the termination of military service, service in law enforcement agencies;
- 10) the relations regulated by the bank law, except for the ministerial procedures performed by National Bank of the Kyrgyz Republic;
- 11) the relations regulated by the legislation on bankruptcy;
- 12) the relations connected with making of consular actions;
- 13) the relations connected with acquisition and the termination of nationality of the Kyrgyz Republic;
- 14) the relations connected with rewarding with the state awards of the Kyrgyz Republic;
- 15) the relations regulated by the legislation on refugees and immigrants;
- 16) the relations regulated by the legislation on external migration.

### **Article 3. Legislation on administrative activities**

The legislation on administrative activities consists of [the Constitution](#), this Law and regulatory legal acts of the Kyrgyz Republic adopted according to them.

### **Article 4. Basic concepts**

The concepts used in this Law have the following values:

- 1) administrative activities - the activities of administrative authorities making external impact and which are coming to the end with adoption of administrative acts and also action or failure to act which attracts legal and/or actual effects for physical persons or legal entities;
- 2) the administrative claim - the claim of the interested person to the adopted administrative act (action or failure to act of administrative authority and/or the official) submitted in administrative (pre-judicial) procedure;
- 3) administrative case - set of the documents and materials fixing process of preparation, consideration and decision making by administrative authority according to the statement of the interested person;
- 4) administrative meeting - procedural form of activities of administrative authority within which consideration and permission of the statement, administrative claim of the interested person by collegiate organ or the official of administrative authority is carried out;
- 5) ministerial procedures - the actions of administrative authority made based on the statement of the interested person, initiative of administrative authority of establishment (provision, the certificate, confirmation, registration, providing), to change or the termination of the rights and/or obligations, including which are coming to an end with issue of the administrative act (its acceptance, approval, approval), either registration or accounting of the interested person, its property, or provision of money, other property and/or services at the expense of means of the government budget from the property which is in the state-owned or municipal property;
- 6) the administrative act is act of administrative authority or its official, at the same time:
  - a) having public and individual and certain nature;
  - b) the interdepartmental nature having external impact, i.e. not having;
  - c) attracting consequence in law, i.e. establishing, changing, stopping the rights and obligations for the applicant and/or the interested person;

7) administrative authority - body of the state executive authority, executive body of local self-government, and also specially created bodies given the law authority constantly or temporarily to perform ministerial procedures;

8) discretion - set of the rights and obligations of administrative authorities, their officials giving them opportunity at discretion to determine type and contents (fully or partially) of the adopted administrative act, or giving choice opportunity at the discretion of one of several stipulated by the legislation versions of decisions;

9) the discretionary decision - the administrative determination, his official which is within its competence, accepted at discretion according to sense and the purpose of realization of discretionary powers;

10) the official - person, is permanent, temporary or on special power performing functions of the public agent or performing organizational and administrative, administrative, control and auditing functions in administrative authorities;

11) the applicant - physical person or legal entity, and also the international organization if it is provided by the law, the international treaty of the Kyrgyz Republic, addressed for implementation of ministerial procedure;

12) the statement - the written or oral appeal of the applicant to administrative authority behind implementation of ministerial procedure;

13) the interested person - person in relation to whom the administrative authority on the initiative adopted the administrative act, and also person, whose right or the interest protected by the law can be affected as a result of the adopted administrative act;

14) participants of ministerial procedure - the applicant, interested persons, administrative authority, the official of administrative authority.

## **Chapter 2. Fundamental principles of administrative activities**

### **Article 5. Legality of administrative activities**

The administrative authority performs the administrative activities according to the legislation of the Kyrgyz Republic, within the powers established [by the Constitution](#) and the laws of the Kyrgyz Republic.

### **Article 6. Will lock abuses of formal requirements**

It is forbidden to establish and impose on administrative authorities when implementing administrative activities the additional formal requirements which are not provided by regulatory legal acts or if these requirements do not influence the correct permission of administrative case.

### **Article 7. Restriction of discretionary powers**

When implementing discretionary powers the administrative authority shall:

1) to be guided by need of protection of the rights and freedoms of man and citizen affirmed in the Constitution of the Kyrgyz Republic;

2) to be guided by the principles of equality, proportionality and uniform application of the right;

3) to be effective for achievement of other purposes established by this Law.

### **Article 8. Uniform application of the right**

1. Administrative authorities shall show:

1) equal approach to identical actual circumstances if there is no basis for their distinguishing;

2) individual approach to significantly different actual circumstances.

2. If the administrative authority performed the discretion definitely, then further it shall perform the discretion in the same way.

3. The administrative authority has the right to refuse the practice specified in parts 1 and 2 of this Article only owing to emergence of the essential circumstances concerning case subject.

### **Article 9. Proportionality of administrative activities (measures)**

1. Administrative activities shall be directed to the purposes established [by the Constitution](#) and the laws of the Kyrgyz Republic, and measures of their achievement shall be proportional, that is applicable, necessary and reasonable (reasonable).

2. The principle of proportionality is designed to guarantee consideration of specific case by administrative authority in case of reasonable ratio between the pursued purpose and the used means.

### **Article 10. The principle "includes bigger smaller"**

1. The administrative authority has no right to demand from persons of making of such actions who were already made from the same persons within other actions or for the content enter or can enter this framework when making ministerial procedure.

2. If the documents (data) submitted to administrative authority include contents of other necessary documents, then the last cannot be requested in addition or separately any more.

3. If the permission provided by administrative authority includes in informative sense as well other permissions, then it is considered that they were also provided.

4. Provisions of this Article are applied if other is not stipulated by the legislation.

### **Article 11. Profitability**

The administrative authority within the powers shall provide effective use of the means provided in its order for decision making in perhaps short time.

### **Article 12. Use of other principles**

Administrative activities can be based also on other principles which are not contradicting the principles stated in this Law.

## **Chapter 3. Jurisdiction of administrative cases and interaction of administrative authorities**

### **Article 13. Jurisdiction of administrative cases**

1. Administrative cases are considered by the relevant administrative authorities, their structural, territorial subdivisions, their officials according to their competence established [by the Constitution](#) and the laws of the Kyrgyz Republic.

2. Administrative cases about the termination of the rights of interested persons are subordinated to the same administrative authorities which are authorized to consider administrative cases about provision, the certificate or registration of such rights, except as specified, established by the laws.

3. The administrative authority shall check independently the competence according to the solution of the questions specified in the address of the interested person.

4. If the administrative authority determined that the solution of question is not within its competence, then it refuses consideration of administrative case in writing and immediately submits to it competent authority, having notified about it the interested person.

5. Reasons for competence are not allowed by the agreement between administrative authority and the applicant.

6. If there was dispute on competence of administrative authority, in case of pronouncement of the relevant decision on administrative case the administrative authority shall prove the competence.

#### **Article 14. Obligation of interaction (mutual assistance) of administrative authorities**

1. Administrative authorities shall interact among themselves (to render mutual assistance) when implementing the ministerial procedures. Mutual aid is performed based on the appeal of administrative authority.

2. If several administrative authorities can give mutual aid, that the requesting administrative authority shall address that administrative authority (further - required administrative authority) which, in his opinion, is able most in an efficient manner and in a short space of time to provide necessary mutual aid.

3. If implementation of required mutual aid is not included into competence of required administrative authority, it shall readdress request about mutual aid in the relevant competent administrative authority.

#### **Article 15. The bases for refusal in mutual assistance provision**

1. The administrative authority shall refuse provision of mutual aid if:

- 1) implementation of required measures contradict the law;
- 2) implementation of required measures is not included into its competence;
- 3) the documents necessary for rendering mutual aid (data) belong to the secrets protected by the law, and it is forbidden to the administrative authority requesting their provision by the law.

2. The required administrative authority has the right to refuse provision of mutual aid if:

- 1) other administrative authority is able to give mutual aid with significantly smaller efforts;
- 2) for rendering mutual aid it is necessary to make efforts, disproportionate in comparison with the help;
- 3) rendering mutual aid can interfere with implementation of own powers essentially.

3. The required administrative authority has no right to deny mutual aid on the bases which are not provided in parts 1 and 2 of this Article.

4. If the required administrative authority on one of the bases provided in parts 1 and 2 of this Article refuses rendering mutual aid, then he shall report no later than three working days about it to the requesting administrative authority. In this case the requesting body has the right to dispute this refusal in administrative authority which is higher in relation to the body requested administrative.

The higher administrative authority within three working days from the date of intake of material makes the final decision on dispute on refusal in provision of mutual aid. In case of refusal recognition groundless the higher administrative authority charges to required administrative authority to give mutual aid immediately.

#### **Article 16. Legality of the measures performed according to the procedure of mutual aid**

1. Legality of the actions made during provision of mutual aid is determined according to the regulatory legal acts relating to the requesting administrative authority, and legality of provision of mutual aid - according to the regulatory legal acts relating to required administrative authority.

2. In relations between requesting and requested by administrative authorities each of them bears responsibility for the illegal actions taken according to the procedure of mutual aid.

### **Chapter 4. Procedure of ministerial procedure**

#### **Article 17. Stages of ministerial procedure**

1. Ministerial procedure consists of the interconnected stages: excitement, consideration and completion of the procedure.

2. Ministerial procedure is initiated based on the statement of person (persons) or initiative of administrative authority.

3. Administrative case is subject to consideration according to the procedure, established by this Law.

4. Adoption of the administrative act is closing stage of ministerial procedure.

5. In case of emergency, connected with safety of life and human health, the environment, and also for elimination of the arisen detrimental consequences or in other cases provided by the law ministerial procedure can be limited only to adoption of the administrative act.

### **Article 18. Participants of ministerial procedure**

1. Participants of ministerial procedure (further - participants of the procedure) are the applicant, interested persons, administrative authority, the official of administrative authority.

2. The interested person can be involved in ministerial procedure based on the statement, according to the petition of the applicant or at the initiative of administrative authority.

3. The minor has the right to perform personally the procedural law and procedural obligations in administrative authority in case the law allows marriage before achievement of eighteen years, - since marriage, and also in case of its announcement in the procedure established by the law sui juris (emancipation).

4. The rights, freedoms and interests of minors protected by the law aged from fourteen up to eighteen years, and also citizens, acknowledged it is limited by capable, are protected in administrative authority by their parents, adoptive parents or custodians, however the administrative authority has the right to recruit in such cases of the minors or citizens recognized restrictedly as capable.

5. In the cases provided by the law on administrative cases, minors have the right to personally protect the rights and interests protected by the law in administrative authority. However the administrative authority has the right to recruit in such cases of legal representatives of minors.

### **Article 19. The other persons involved in ministerial procedure**

The other persons involved in ministerial procedure are witnesses, experts, translators, and also other persons promoting the correct consideration and permission of administrative case.

### **Article 20. Right to representation**

1. Participants of the procedure have the right to participate in the relations regulated by this Law, personally through the legal or authorized representative or together with them.

2. Representatives of the participant of the procedure are recognized:

- 1) persons, representatives to represent the legal entity based on the law or its constituent documents;
- 2) persons acting as legal or authorized representatives according to the civil legislation.

3. Person who is in public or municipal service in this administrative authority or in body which is directly subordinated or under control to it has no right to be the representative of the applicant.

4. The other persons specified in article 19 of this Law take part in administrative case directly.

### **Article 21. Restrictions of participation of the member of collegiate organ, the official of administrative authority, the expert, the translator when implementing ministerial procedure**

1. The member of collegiate organ or the official of administrative authority, the expert and the translator has no right to participate in implementation of ministerial procedure in the following cases:

- 1) if they are close relatives of the applicant, the concerned party or his representative;
- 2) if they or any of close relatives is members of governing bodies of the legal entity acting as the applicant, the concerned party;
- 3) if they personally, are directly or indirectly interested in the outcome of the case or there are other circumstances raising doubts in their objectivity and impartiality.

2. Are understood as the close relatives specified regarding 1 this Article:

1) parents, spouses, children, grandsons, grandfathers, grandmothers, brothers, sisters, uncles, aunts, cousins, sisters of the participant of ministerial procedure;

2) listed in Item 1 of this part of the face, being in the corresponding family relations with the spouse (spouse) of the participant of ministerial procedure;

3) persons who are the son-in-law, the daughter-in-law, the father-in-law, the mother-in-law, the father-in-law, the mother-in-law of the participant of ministerial procedure.

3. Members of collegiate organ or the official of administrative authority also have no right to participate in implementation of ministerial procedure if they when implementing this ministerial procedure participated earlier in quality of the expert, translator, representative or witness.

4. The expert also has no right to participate in implementation of ministerial procedure if he is in job or economic dependency from the participant of the procedure, his representative or from the official of administrative authority.

## **Article 22. Branch**

1. The participant of ministerial procedure has the right to declare branch to the official performing ministerial procedure, to the expert, the translator, and in case of implementation of ministerial procedure in joint structure - to any member of its structure if there is one of the bases provided in article 21 of this Law.

2. Branch can be declared before completion of ministerial procedure without delay since the moment when availability of one of the bases, the stipulated in Clause 21 this Law became known.

3. The repeated application for branch to the same official can be considered if in it the new bases or the new facts are specified.

4. The decision on the declared branch is subject to acceptance without delay in perhaps shortest possible time.

The decision on removal of the official or the member of collegiate organ is accepted by the head of administrative authority in which ministerial procedure is performed.

The decision on removal of the head of administrative authority is made by higher administrative authority if only the head of subordinate administrative authority on the initiative is not discharged of implementation of ministerial procedure.

In case of satisfaction of removal of the head of administrative authority ministerial procedure instead of it is performed by his deputy, and in case of lack of the last - other official replacing it.

The decision on removal of the expert and the translator is accepted by the official or the collegiate organ performing this ministerial procedure.

5. Participation of the expert or translator in the same ministerial procedure as the expert or the translator is not earlier the basis for its branch.

6. The motivated decision on branch shall be drawn up in writing. It cannot be appealed.

7. The copy of the decision on the declared branch goes to participants of ministerial procedure for the purpose of their notification.

## **Article 23. Rejection of the official performing ministerial procedure, the expert, the translator**

1. In the presence of the bases, the stipulated in Article 21 this Law, the head of administrative authority, the member of collegiate organ or the official performing ministerial procedure, the expert the translator shall declare rejection immediately.

In case of rejection of the head of administrative authority ministerial procedure is performed by his deputy, and in case of lack of the last - other official having power for its substitution.

If rejection was declared by the official performing ministerial procedure, then within three working days the head of administrative authority makes the decision on satisfaction or on refusal in satisfaction of rejection.

If rejection was declared by the member of collegiate organ, then this body performs ministerial procedure with participation of the remained members of collegiate organ, but with quorum.

2. Rejection is declared in writing. It shall be motivated. The copy of the application about rejection goes to participants of ministerial procedure.

Rejection cannot be appealed.

3. If the basis for rejection became known to persons specified regarding 1 this Article after the beginning of ministerial procedure, then they shall declare rejection at that stage of the procedure when there was the corresponding basis.

## **Article 24. Language of implementation of ministerial procedure**

1. Ministerial procedure is performed in the state or official language.

2. During implementation of ministerial procedure participants of the procedure have the right to use foreign languages. If the administrative authority itself is not able to provide transfer, then participants of the procedure can use services of the qualified specialist for ensuring transfer into the state or official language.

## **Article 25. Maintaining and accounting of administrative cases**

1. From the moment of initiation of ministerial procedure the administrative authority opens administrative case where the documents concerning implementation of this ministerial procedure including the administrative act (its verified copy) adopted as a result of implementation of ministerial procedure are stored.

2. The procedure for business management, magazines of their accounting, accounting of administrative acts is established by administrative authority on the basis of the standard provision approved by the Government of the Kyrgyz Republic.

3. Cases are stored according to the rules of clerical work established by the legislation and in the procedure established by the law are subject to transfer to archive.

## **Article 26. Recording of ministerial procedure**

1. If implementation of ministerial procedure is carried out in the form of meeting with participation of persons specified [regarding 1 Article 18](#) and in [article 19](#) of this Law, then the administrative authority shall take the minutes.

2. The protocol shall contain the following data:

- 1) the name of the administrative authority performing ministerial procedure;
- 2) place and date of implementation of ministerial procedure;
- 3) surname, name, middle name of persons specified regarding 1 Article 18 and in article 19 of this Law with indication of their status in this case (the applicant, the interested person, the witness, etc.);
- 4) content of case in point;
- 5) summary of performances of participants of ministerial procedure;
- 6) the decision made by results of meeting.

The protocol may contain other additional data.

3. If the meeting was held with breaks, then about it shall be specified in the protocol. When holding several meetings on each of them the separate protocol is constituted.

4. The protocol is taken by the secretary of meeting determined by the chairman. The protocol is signed by the chairman, the secretary of meeting without delay after the end of meeting.

5. The applicant, the interested person have the right to study the protocol and to provide notes to it. About variation of notes it is specified in the protocol.



## Chapter 5. Stage of initiation of ministerial procedure

### Article 27. Bases of initiation of ministerial procedure

1. The bases for initiation of ministerial procedure are:

- 1) statement of person;
- 2) initiative of competent administrative authority.

2. In the case provided in Item 1 part of 1 this Article, ministerial procedure is considered initiated from the date of receipt of the corresponding statement in administrative authority unless the application according to Articles 29, [30](#) these Laws were returned to the applicant, is readdressed to competent administrative authority or left without consideration.

3. In the case provided in Item 2 parts of 1 this Article, ministerial procedure is initiated from the date of the beginning of that action (those actions) which is directed to adoption of the administrative act at the initiative of administrative authority.

4. In the cases provided by part of 1 this Article relevant provisions [of Chapters 4-6](#) of this Law are applied. In case, stipulated in Item 1 parts of 1 this Article in the part concerning submission of the claim on an equal basis with provisions of Chapters 4-6 are also applied provisions [of Chapters 10](#) and this Law.

### Article 28. The general requirements imposed to the statement

1. The application is submitted to administrative authority in written or oral form. The statement in oral form is reflected in the protocol of administrative authority.

2. The written application and the protocol shall contain:

- 1) surname, name, applicant's middle name; full name of the legal entity;
- 2) address of the applicant, legal entity;
- 3) the name of administrative authority to which the application is submitted;
- 4) the reasonable request imposed by the statement (subject of the statement);
- 5) number, month and year of filing of application;
- 6) signature of the applicant; the signature of the head of the legal entity certified by seal of the legal entity.

If the legislation demands application of specific documents, then they shall be enclosed to the application.

If for the administrative act the law provides payment of the state fee or other mandatory fee, then the document confirming their payment shall be submitted.

If the application is submitted through the representative, then the power of attorney which is also issued in the procedure established by the law shall be provided.

3. The application is directed to administrative authority by mail, other stipulated by the legislation method.

4. The statement is adopted during the personal acceptance which is carried out in administrative authority if in it there are data provided in Items 1, 2 and 4 parts 2 of this Article and if this Law does not require that the application was submitted with observance of all Items of part 2 of this Article.

5. The oral statement is not reflected administrative authority in the protocol in the cases provided [by part 5 of article 17](#) of this Law.

### Article 29. Acceptance and return of the statement

1. The administrative authority shall adopt any statement.

2. If in the statement formal shortcomings, including not the corresponding parts 2 of article 28 of this Law come to light, then the administrative authority specifies them to the applicant, giving it opportunity to correct

these shortcomings. This rule does not extend to cases when shortcomings are connected with appreciable grammatical, arithmetic errors, slips, blots and other obvious inaccuracies.

3. Provisions of part 2 of this Article do not extend to elimination of such mistakes, blots and slips, the right to which is assigned to the bodies which accepted or issued these documents.

4. If the documents required by the legislation are not enclosed to the application, then the administrative authority suggests the applicant to submit such documents within ten working days.

5. The administrative authority returns the application if the applicant does not eliminate defects according to the procedure and the terms specified in parts 2 and 4 of this Article.

6. Return of the statement does not interfere with the secondary treatment of him in general procedure after elimination of the allowed shortcomings.

7. In case of the applicant's disagreement with return of the statement by administrative authority this decision can be appealed according to [Chapters 10 and 11](#) of this Law. In case of recognition illegal return of the statement it is considered given in day of the initial address.

### **Article 30. Readdress of the statement, its leaving without consideration**

1. If the application was submitted to incompetent administrative authority, then the administrative authority which received the application within three working days readdresses it to competent administrative authority, having informed on it the applicant.

2. If one or several of the requirements provided in the statement are within the competence of other administrative authority, then the administrative authority readdresses the statement in this part to competent administrative authority, having informed on it the applicant.

Ministerial procedure as regards the statement which is within its competence is initiated in administrative authority according to the procedure, [the stipulated in Article 27](#) these Laws.

3. In the cases provided by this Article the administrative authority keeps at itself copies of the readdressed statement, in case of need - the documents or copies of part of them or their list which are also attached to it.

4. If requirements of the statement do not fall within coverage of this Law, the administrative authority passes the motivated decision on leaving of the statement without consideration which can be appealed according to Chapters 10 and 11 of this Law.

### **Article 31. The bases of initiation of ministerial procedure at the initiative of administrative authority**

The basis for initiation of ministerial procedure at the initiative of administrative authority is the requirement of the law on adoption of the administrative act, the need following from it or the discretion assigned by the law to administrative authority.

### **Article 32. Notice on ministerial procedure**

1. The administrative authority within three working days from the date of initiation of ministerial procedure informs participants of the procedure or their representatives on it.

The administrative authority informs specified persons, in case of need also the witness, the expert, the translator, and also representatives of other bodies on the place, time and other conditions of the actions necessary for implementation of the procedure.

2. In case of initiation of ministerial procedure on own initiative the administrative authority informs on it participants of the procedure in the procedure established by the law if the time interval between initiation of ministerial procedure and adoption of the administrative act constitutes more than three working days.

## **Chapter 6. Current stage of ministerial procedure**

### **Article 33. Obligation of rapid response of administrative authority**

1. Ministerial procedure shall be performed in perhaps short terms.
2. If after initiation of ministerial procedure at the disposal of administrative authority there are documents, necessary for adoption of the administrative act, circumstances of this case are specified, then the administrative authority shall adopt the administrative act in perhaps short time, without waiting for the expiration of aggregate or special term.

#### **Article 34. Research of the facts of the case**

1. Administrative authority:
  - 1) on the initiative is provided by comprehensive, complete and objective investigation of the facts of the case;
  - 2) is independently established by method and amount of research;
  - 3) it is not connected by explanations and arguments of participants of ministerial procedure about admissibility of proofs.
2. The administrative authority has no right to reject statements and documents submitted by participants of the procedure whose consideration is included into its competence.

#### **Article 35. Hearing of participants of the procedure**

1. During ministerial procedure the administrative authority shall provide to participants of the procedure and their representatives opportunity to express the actual circumstances considered when implementing ministerial procedure.
2. Hearing can not be carried out if:
  - 1) as a result of ministerial procedure the favorable administrative act which does not affect the right of other persons shall be adopted, or person to whom the administrative act is addressed does not insist on hearing;
  - 2) the oral administrative act is adopted.
3. Hearing is not carried out if there is need immediately to adopt the administrative act as the delay can create safety hazard of life and to human health, the environment, and also for the purpose of elimination of the arisen negative, harmful effects or in other cases provided by the law.

#### **Article 36. Material availability of ministerial procedure**

1. For the purpose of ensuring transparency and objectivity of activities of administrative authority during implementation of ministerial procedure participants of the procedure have the right to get acquainted with case papers in the body performing ministerial procedure.
2. The administrative authority shall give to participants of ministerial procedure access to case papers within three working days from the date of submission of the statement for acquaintance with case papers.

Participants of the procedure can make copies and do statements of case papers.
3. By provision of case papers the administrative authority shall ensure safety of information relating to state office and to other secrets protected by the law. At the same time it also shall comply with the procedures and conditions of acquaintance and use of the specified information established by the law.

#### **Article 37. Assistance to participants of the procedure**

1. The administrative authority shall make explanations to physical persons about their rights and obligations on the questions connected with their statement, to promote execution of the statement and the documents attached to it, in case of opportunity - to constitute them.

The administrative authority shall render to persons called in this part assistance in creation and submission of statements according to requirements of this Law.

2. The administrative authority shall create for participants of the procedure of condition for acquaintance with the acts accepted by this administrative authority and also with the laws and other regulatory legal acts which belong to activities of this body.

### **Article 38. The proof in ministerial procedure**

1. When implementing ministerial procedure as proofs are estimated any actual data on the basis of which the administrative authority establishes availability or lack of the circumstances important for case and also their relevancy and admissibility.

2. The administrative authority has no right to require as the proof the document, not stipulated by the legislation.

### **Article 39. Confirmation of the actual circumstances**

1. When implementing ministerial procedure the obligation of confirmation of the actual circumstances is assigned on:

- 1) the applicant - in the presence of the actual circumstances promoting allowance of the application;
- 2) administrative authority - in the presence of the actual circumstances which are not promoting allowance of the application.

2. If in the case provided in Item of 1 part of 1 this Article, person can study the data relating to the actual circumstances which are considered only by this administrative authority then obligation on confirmation of the actual circumstances is assigned to this administrative authority.

3. If in the case provided in Item 2 parts of 1 this Article, the administrative authority can study the data relating to the actual circumstances which are considered by administrative authority only through person having these data then obligation on confirmation of the actual circumstances is assigned to this person.

### **Article 40. Explanation of the witness**

1. The administrative authority according to the petition of participants of the procedure or for the initiative invites as witnesses and hears explanations of those persons to which data on case can be known.

2. In case of impossibility of appearance of the witness on administrative meeting the administrative authority has the right to permit to state his explanations in writing. On each page of written explanations the witness appends the signature which is confirmed by seal of administrative authority with indication of number, month and year.

### **Article 41. Purpose of examination, survey production**

1. In need of conducting examination the administrative authority addresses to the expert organization, informing on it participants of the procedure.

2. The expert designates the impartial person having knowledge in the respective area.

3. Participants of the procedure have the right to be present during the actions made by the expert if their presence does not interfere with examination.

4. By results of the researches the expert represents the conclusion.

5. Upon the demand of administrative authority or participants of the procedure the expert shall make additional explanations according to the expert opinion.

6. In case of need the administrative authority has the right to appoint survey of the area, any object or subject. According to the administrative determination participants of the procedure have the right to be present at survey.

### **Article 42. Terms of ministerial procedure**

1. The maximum term of ministerial procedure - thirty working days. Special term can be provided by other law.
2. Calculation of term of ministerial procedure begins from the date of registration of a statement in administrative authority or from the date of initiative of administrative authority.

### **Article 43. Prolongation of terms of ministerial procedure**

1. The term of ministerial procedure can be prolonged if:
  - 1) there was need of receipt of additional data or documents which according to [part 3 of article 39](#) of this Law the applicant shall provide, and it is impossible to make the decision in essence in the time which remained for ministerial procedure;
  - 2) provision of the expert opinion requires extra time;
  - 3) the measures taken according to the procedure of mutual aid require extra time;
  - 4) several administrative authorities participate in adoption of the administrative act.
2. In the case provided in Item of 1 part of 1 this Article, the term of ministerial procedure can be prolonged up to twenty working days.

In the case provided in Item 2 parts of 1 this Article, the term of ministerial procedure can be prolonged before receipt of the corresponding expert opinion.

In the cases provided in Items 3 and 4 of part of 1 this Article, the term of ministerial procedure can be prolonged up to thirty working days.
3. If for prolongation of term of ministerial procedure there were several bases provided by part of 1 this Article, the administrative authority applies only that basis which gives more opportunities for bystry and effective implementation of the procedure and decision making in essence.
4. The decision on prolongation of term of ministerial procedure is made by the administrative authority performing ministerial procedure and is brought to the attention of other participants of the procedure or their representatives.

### **Article 44. Effects of rejection of the administrative act during the term of ministerial procedure**

If during the term of the ministerial procedure initiated on the basis of the statement established by the law, the administrative act is not adopted by authorized administrative authority, then the applicant has the right to appeal failure to act of administrative authority according to the procedure, provided by this Law, or judicially.

### **Article 45. Suspension of ministerial procedure**

1. The administrative authority shall suspend the procedure if:
  - 1) adoption of the administrative act as a result of the procedure is impossible before decision making (court resolution) on case which is considered according to the procedure of the constitutional, administrative, economic, civil or criminal trial;
  - 2) person to whom the administrative act is addressed was not on meeting, and the law excludes adoption of the corresponding administrative act without its presence;
  - 3) adoption of the administrative act is possible only in case of identification of person to which this act is addressed.
2. The administrative authority has the right to suspend the procedure if:
  - 1) person to whom the administrative act is addressed is absent and the administrative authority before adoption of the administrative act considers necessary its presence for examination from it the important circumstances connected with the procedure;
  - 2) the legal entity to whom the adopted administrative act is addressed will be reorganized.

Ministerial procedure can be suspended also in other cases provided by the law.

3. In the case provided in Item of 1 part of 1 this Article, ministerial procedure is resumed after elimination of the circumstances which caused suspension of the procedure.

In the cases provided by part Items 2 and 3 1, and also part 2 of this Article, ministerial procedure is resumed after elimination of the circumstances which formed the basis for suspension, but no later than sixty working days after decision making about suspension.

4. Suspension of ministerial procedure is drawn up by the relevant decision of administrative authority which within three working days as appropriate goes to participants of the procedure.

5. The decision on suspension of ministerial procedure stops current of terms of ministerial procedure and it can be accepted at any stage of the procedure.

#### **Article 46. The termination of ministerial procedure and refusal in allowance of the application**

1. The ministerial procedure initiated on the basis of the statement stops if:

- 1) the applicant in writing refuses the statement;
- 2) there is administrative or court resolution which took legal effect adopted in relation to the same person, besides subject and of the same basis;
- 3) the status of the applicant which by law excludes adoption of the administrative act required by the statement changed;
- 4) the term provided by the paragraph the second parts 3 of article 45 of this Law expired and at this time the circumstance which formed the basis for suspension of ministerial procedure was not eliminated.

The ministerial procedure initiated on the basis of the statement stops also in the cases provided [by part 4 of article 62](#) of this Law.

2. The ministerial procedure initiated at the initiative of administrative authority can be stopped if:

- 1) person to whom the administrative act is addressed eliminated violation of requirements of the law or other regulatory legal act or took proper measures to elimination of violations and in similar cases adoption of the administrative act about these violations is not required;
- 2) adoption of the administrative act concerning violation of requirements of the law or other regulatory legal acts or on other questions which are not connected with their prevention stopped being necessary in connection with change of situation or on other basis provided by the law.

3. The administrative authority refuses allowance of the application in case of its groundlessness.

4. The administrative authority makes the decision on the termination of ministerial procedure or on refusal in allowance of the application which within three working days properly goes to participants of the procedure.

5. The decision on the termination of ministerial procedure or on refusal in allowance of the application can be appealed in the general procedure provided by this Law.

#### **Article 47. Renewal of ministerial procedure**

1. Based on the statement of participants of the procedure the administrative authority shall make the decision on change or cancellation of the administrative act which is not subject to appeal if:

- 1) after adoption of the administrative act the actual circumstances pledged in its basis or legal status changed for benefit of the applicant;
- 2) there are new proofs which can lead to adoption of more profitable decision for the applicant;
- 3) there are other bases provided by the law.

In the cases provided by this part ministerial procedure is resumed.

2. The application shall be submitted within three months from the date of when person who filed petition concerning renewal of the procedure learned about the circumstance provided by part of 1 this Article which is the basis for renewal of the procedure.

3. Based on the statement the decision is made by that administrative authority which adopted the administrative act which is subject to change, cancellation, either relevant higher or other competent administrative authority which is competent to repeal this act by means of renewal of ministerial procedure.

4. In case of the termination of administrative production on the bases provided in Items 2-4 of part 1 of article 46 of this Law renewal of the procedure for the same question and adoption of the corresponding administrative act is not allowed if the law does not provide other.

#### **Article 48. Participation of several administrative authorities in adoption of the administrative act**

1. If adoption of the administrative act requires the permission or the consent of other administrative authorities then necessary for their request and receipt of action, including reclamation and collection of additional documents, makes the administrative authority which initiated ministerial procedure.

2. The permission or consent received in the procedure provided by part of 1 this Article is not subject to separate appeal - it can be appealed together with the administrative act.

### **Chapter 7. Types and forms of the administrative act**

#### **Article 49. Types and forms of the administrative act**

1. The administrative act can be:

1) favoring by means of which administrative authorities grant to persons the rights or create any other condition improving them legal status;

2) encumbering, by means of which administrative authorities:

a) refuse provision of the rights to persons;

b) interfere, up to restriction, with implementation of these rights;

c) assign any obligations to persons or otherwise encumber with any their legal status.

2. The administrative act is, as a rule, adopted in writing.

In case of initiation of ministerial procedure according to the statement only the written administrative act is adopted.

3. The administrative act can be adopted in oral form in cases, stipulated by the legislation.

The oral administrative act is subject to written registration according to the oral or written requirement of the interested person according to the requirements shown to the written administrative act.

4. The administrative act can be also adopted in the form of light, sound signals and signs, the image and in other forms, stipulated by the legislation.

#### **Article 50. Requirements imposed to the written administrative act**

1. The written administrative act shall:

1) the content to conform to the requirements established by the legislation;

2) to contain data on the actual and legal facts of the case which formed the basis for its acceptance;

3) to correspond to the established form and sample.

2. The administrative act shall contain, as a rule, data on those expenses which arose in connection with adoption of the act, and persons who shall carry them. In case of adoption of the act connected with return of

expenses in it the amount which is subject to return, procedure and conditions of its compensation shall be specified.

3. The administrative act may contain appendices and other additional documents which action cannot exceed effective period of the administrative act. Appendices and other additional documents are not considered as independent administrative acts, but are component of the administrative act and are effective until the administrative act is effective.

4. The administrative act shall contain:

- 1) full name of administrative authority;
- 2) number, month and year of acceptance, registration number;
- 3) surname, name, middle name of person to whom the administrative act is addressed; full name of the legal entity;
- 4) the description of the issue resolved by the act, reasons for adoption of the act (descriptive and motivation part);
- 5) statement of the made decision (substantive provisions);
- 6) term of entry into force of the act;
- 7) act effective period if the act is adopted for a certain time;
- 8) the term of appeal of the act and body where this act can be appealed;
- 9) position, surname, name, middle name of the official of the administrative authority which adopted the act, its signature;
- 10) seal of the administrative authority which adopted the act, except for administrative acts which by the legislation do not require putting down of seal.

5. The administrative act shall be formulated accurately and clear.

Contents of the administrative act shall be stated so that for his addressee was obvious what right is granted, limited or what obligation is assigned to it.

### **Article 51. Reasons for adoption of the administrative act**

1. The administrative act shall contain reasons in which all essential actual and legal circumstances for adoption of the relevant decision are specified.

2. In reasons for the administrative act adopted as a result of discretion motives on the basis of which the administrative authority chose this decision shall be specified.

3. Reasons are not required in the following cases:

- 1) the administrative authority grants any application, at the same time the adopted administrative act does not affect the third party right;
- 2) person to whom the act is addressed or to person whose interests are infringed by the administrative act, was earlier already in writing told the relation of administrative authority concerning actual or consequence in law, or such relation evidently follows from the text of the act;
- 3) the administrative authority publishes identical administrative acts in quantity more than five acts during the continuous thirty calendar days or publishes administrative acts with use of technical means and there is no need for reasons for each separate case.

4. Reasons for adoption of the administrative acts adopted by administrative authority, such arguments which do not concern competence of this body are forbidden.

## **Chapter 8. Acceptance, delivery, publication and entry into force of the administrative act**



## **Article 52. Acceptance, delivery and publication of the administrative act**

1. The written administrative act is deemed accepted from the moment of its registration after signing by the authorized officer of administrative authority.

The administrative authority informs participants of the procedure by delivery on adoption of the written administrative act and/or publications according to the procedure, provided by this Article.

2. The oral administrative act is deemed accepted from the moment of its announcement.

The oral administrative act is announced at the time of adoption of this act by its oral message to the addressee (addressees). The oral administrative act is announced in the state or official language.

3. The administrative act of other form is brought to the attention of the addressee in stipulated by the legislation type, having made it directly or immediately visible, perceived or any otherwise available to the addressee (addressees).

4. The administrative act within three working days from the date of its acceptance shall be handed to participants of the procedure. Delivery of the administrative act to person to whom the act is addressed is performed:

- a) transfer directly to person;
- b) by registered mail with the assurance of receipt;
- c) by other methods provided by the laws.

Other methods of delivery provided by this part are applied if for any reasonable reason there is no possibility of delivery to person to whom the act is addressed, behind its signature, including if person to whom the act is addressed itself asked to use other methods of delivery.

In case of delivery of the administrative act the administrative authority shall transfer to person to whom the act is addressed together with it also the documents which are component of this act.

Not delivery of the specified documents at the same time together with the administrative act or their delivery cannot influence action of the administrative act later and to become the basis for appeal of legality of the act.

5. In case of introduction in the procedure for changes and amendments established by the law into the administrative act, and also in the documents which are component of this act, the administrative authority shall hand these changes and amendments to person to whom the act is addressed in the procedure established by this Article.

6. The administrative act is subject to obligatory publication if the information about persons which is directly mentioned in this act, and also in other cases provided by the law is unknown to administrative authority.

In stipulated by the legislation cases the administrative act can be published at the initiative of administrative authority.

The administrative act is published in the printing edition or the official site of administrative authority or in other republican mass media.

The substantive provisions of the administrative act are published in mass media or other means of distribution of information. In the publication the place where it is possible to study the administrative act completely shall be specified including with its reasons.

## **Article 53. Entry into force of the administrative act**

1. The administrative act becomes effective from the date of its delivery, publication, announcement or bringing to data according to the procedure, the stipulated in Clause 52 presents of the Law. Other terms of entry into force can be provided by the law or the administrative act.

2. If the administrative act contains such provisions which connect the introduction it in force or its any part with emergence of certain conditions or circumstances, then this act or its part become effective from the moment of emergence of the corresponding condition or circumstance (the act with condition).

## **Article 54. Effective period of the administrative act**

1. The administrative act is effective during certain or uncertain term.

Before the expiration of the administrative act adopted for certain term, the term of this administrative act can be extended for new term or sine die.

The administrative act adopted sine die is effective until it is not cancelled or nullified in the procedure established by the law.

2. In the cases provided by the law the administrative act may contain not any specifying on effective period if the relations regulated by the act are connected with making of certain action or with approach of event (the act with condition).

This act is terminated from the moment of completion of certain action or approach of event which determines effective period of this act.

3. Commencing on the effective date the oral administrative act is effective until when the administrative authority which adopted this act finishes implementation of the related actions provided by the law or reports person to whom the act, is addressed by any method provided by the law on cancellation of the act.

4. The administrative act of other form is effective until when person to whom the act is addressed is informed by the visible, heard or any different way provided by the law of cancellation of this act.

## **Chapter 9. Insignificant administrative act. Cancellation of the administrative act**

### **Article 55. Bases of negligibility of the administrative act**

1. The administrative act is considered insignificant if it contains especially massive fault (mistake) which in case of reasonable assessment of all considered circumstances is explicit and obvious.

2. The administrative act is also insignificant if:

1) from the act not clearly what administrative authority accepted it, or the act does not contain surname, name, middle name of the official who adopted the act;

2) from the act not clearly to what person it is addressed;

3) the act requires making of illegal act which attracts the criminal or administrative responsibility;

4) the act does not contain the name, number, month and year of acceptance, registration number, and also other details, stipulated by the legislation (the signature, seal, etc.);

From the act not clearly what question it regulates, or act the made decision does not contain 5).

3. The insignificant administrative act has no legal force from the moment of adoption of the act and is not subject to execution or application.

4. Non-execution of the insignificant administrative act does not attract any responsibility for person to whom it is addressed.

5. The administrative authority which adopted the insignificant administrative act has the right at any time on own initiative or according to the statement of any person which rights are affected, without delay to establish the act insignificant.

### **Article 56. Cancellation of the legal and illegal administrative act**

1. The administrative act is legal if it meets rules of law, and illegal - if does not meet rules of law.

2. The legal administrative act encumbering the addressee can be cancelled at any time, except for case when it is necessary to adopt the administrative act of the same content repeatedly.

3. The legal administrative act favoring for the addressee can be cancelled if:

1) the legislation allows cancellation of the administrative act and this cancellation is provided in this administrative act;

2) the administrative act is published with other condition and this condition is not performed or performed in an inadequate way;

3) the actual or legal facts of the case in case of which existence at the time of the edition of the administrative act the administrative authority could not publish such administrative act changed. In this case the administrative act can be cancelled in three-months time from the date of when the administrative authority learned about possibility of its cancellation, but not later than within one year from the date of its entry into force. The administrative act can be cancelled without observance of the specified terms if leaving it infringes on essential interests of society in force.

4. If the administrative act is cancelled according to Item 3 of part 3 of this Article, the relevant administrative authority indemnifies to the addressee the caused loss and the personal injury which arose at it in connection with cancellation of the administrative act according to [Chapter 15](#) of this Law.

5. The illegal administrative act encumbering the addressee can be cancelled at any time.

6. The illegal administrative act favoring for the addressee can be cancelled if:

1) the addressee did not exercise yet the rights which are established or provided by this administrative act;

2) the legislation allows cancellation of the administrative act and in this administrative act such cancellation is specified, except for case when the basis of illegality of the administrative act is illegality of this reference;

3) leaving infringes on essential interests of society in force of the administrative act. If the addressee based on the corresponding administrative act received money or other benefits, this administrative act voids from the date of its cancellation. The relevant administrative authority indemnifies to the addressee the caused loss or the personal injury which arose at it in connection with cancellation of the administrative act according to Chapter 15 of this Law;

4) the addressee achieved the edition of the corresponding administrative act by provision of obviously false data, bribery, coercion, threats or other illegal actions established by the court verdict. In this case the administrative authority cancels this administrative act from the date of its edition. The addressee shall compensate to administrative authority the cash and other appliances received from administrative authority based on the administrative act;

The addressee knew 5) about illegality of the administrative act, illegality was obviously obvious that the addressee shall realize it.

7. Cancellation of the administrative act according to Item 1 of part 6 of this Article is allowed in three-months time from the date of when the administrative authority learned about possibility of its cancellation, but not later than within one year from the date of its entry into force.

## **Article 57. Other regulations on cancellation of the administrative act**

1. The administrative act provided by parts 2, of 3, of the 5 and 6 article 56 of this Law can be cancelled from the administrative authority which adopted this act or its higher body.

2. The administrative act can be cancelled fully or partially. The administrative act can be cancelled partially only in that case when not cancelled part can remain in force or independently be effective. If the administrative act was cancelled partially, then rules of this Article are applied only in relation to that part which was cancelled.

3. The administrative act is not cancelled from the administrative authority which adopted this act or its higher body if cancellation of the administrative act can entail withdrawal of property without volition of the owner. In this case the administrative act is nullified judicially.

4. If the administrative act was cancelled only partially, then the stipulated in Article 56 these Laws of effect extend to that part of the administrative act which was cancelled.

## **Article 58. Term for cancellation of the administrative act**

The administrative act which is not appealed according to the procedure, established by this Law, can be cancelled by administrative authority within one year from the date of detection of the facts which form the basis for cancellation of the administrative act, except as specified, stipulated in Item 3 parts 3, part 7 of article 56 of this Law.

### **Article 59. Review of the administrative act in higher instance**

In case of lack of the claim concerning the administrative act higher in relation to the body which adopted the act, the administrative authority (official) on own initiative according to the procedure of supervision has the right to review the administrative act adopted by subordinate body.

### **Article 60. Return of documents**

1. Documents which were issued on the basis of the cancelled administrative act are subject to return if the law does not provide other.

If documents do not return according to this Article, then the administrative authority which adopted the act has the right to announce publicly (through mass media or on the official site of administrative authority) that this administrative act is cancelled (is not effective).

2. In case of return of documents the administrative authority issues the certificate of return of documents.

## **Chapter 10. Bases and procedure for submission of the administrative claim**

### **Article 61. Right of appeal of the administrative act**

The applicant and the interested person have the right for the purpose of protection of the rights to appeal administrative acts, action or failure to act of administrative authority.

### **Article 62. Procedure for appeal**

1. The administrative act, action or failure to act of administrative authority are appealed in administrative (pre-judicial) procedure, and in subsequent - judicially, except as specified, [stipulated in Article 44](#) and [part 3 of article 57](#) of this Law.

2. The complaint to the administrative act can be administratively made in the administrative authority which adopted the appealed administrative act or in higher administrative authority.

3. The claim to action or failure to act of administrative authority or the official moves in higher administrative authority or to the higher official.

In the absence of higher administrative authority or the higher official action and failure to act of administrative authority is appealed judicially.

4. If the administrative act was at the same time appealed in the administrative authority which adopted the appealed act and in higher administrative authority, then the claim is subject to consideration in higher administrative authority. In this case the procedure of consideration of the claim initiated in administrative authority which adopted this act stops.

### **Article 63. Appeal terms**

1. The administrative complaint can be made within thirty working days:

1) from the date of delivery of the administrative act;

2) from the date of making of action from administrative authority;

3) on failure to act of administrative authority - after the term provided [by part 1 of article 42](#) of this Law, or the special term provided by other law.

2. In case of the omission on reasonable excuses of the term specified regarding 1 this Article, the term of appeal can be recovered by administrative authority.

Along with filing of application about recovery of term the administrative claim is submitted.

The application for recovery of the passed term can be submitted for appeal within thirty working days from the date of when the bases of reasonable excuse disappeared.

In case of allowance of the application about recovery of term on appeal the administrative claim is considered accepted.

#### **Article 64. Requirements imposed to the claim**

The claim shall contain:

- 1) the name of administrative authority in which the claim is submitted;
- 2) surname, name, middle name of the physical person making the complaint, its address;
- 3) surname, name, middle name of person making the complaint on behalf of the legal entity, its position and the location of the legal entity;
- 4) subject of the claim;
- 5) the requirement of person making the complaint;
- 6) the list of the documents attached to the claim;
- 7) number, month and year of submission of the claim;
- 8) the signature of person making the complaint;
- 9) the signature of person making the complaint on behalf of the legal entity and seal of the legal entity.

#### **Article 65. Actions of administrative authority according to the arrived claim**

1. The ministerial procedure performed on the basis of the claim is initiated in day of registration of the claim in administrative authority.

2. The administrative authority shall check claim compliance to requirements [of articles 61-64](#) of this Law in case of receipt of the claim.

The claim is left without movement by administrative authority if it was submitted to violation of requirements of articles 61-64 of this Law. In this case the administrative authority without delay points out the defects and provides to person who made the complaint, opportunity for their elimination within aggregate term about appeal.

In case of not elimination of the shortcomings specified by administrative authority the claim is recognized inadmissible and remains without satisfaction.

3. The higher administrative authority shall after initiation of the procedure immediately request from administrative case (materials) about administrative production subordinate administrative authority. The subordinate administrative authority shall within five-day term after receipt of this requirement to submit administrative case (materials) within higher administrative authority.

#### **Article 66. Consequence in law of submission of the administrative claim**

Submission of the administrative claim stops execution of the appealed administrative act before entry into force of the administrative determination according to the administrative claim, except for:

- 1) the cases of immediate execution of the administrative act provided by other laws;
- 2) cases when immediate execution is necessary, proceeding from public concerns.

### **Chapter 11. Consideration and solution of the administrative claim**

#### **Article 67. Procedure and limits of consideration of the administrative claim**

1. Consideration of the administrative claim to the administrative act, action or failure to act of subordinate administrative authority (official) is performed according to [Chapters 4-6](#) of this Law if other is not provided in this Chapter.

2. The administrative claim is considered from the point of view of legality of the appealed act, and in case of discretion execution - also from the point of view of feasibility.

3. By consideration of the administrative claim the administrative authority is guided as the evidence existing in case, and produced in addition.

### **Article 68. The decision according to the administrative claim**

1. By results of consideration of the administrative claim the decision is made.

2. In the decision according to the administrative claim shall be specified:

1) the name of body (surname, name, the official's middle name) who made the decision; staff of collegiate organ; file number of ministerial procedure and decision date; surnames of participants of administrative meeting; acceptance date of the act on this ministerial procedure and the name of administrative authority (surname, name, the official's middle name); staff of collegiate organ (official) who adopted the administrative act;

2) the name and/or surname, name, middle name of the interested person, including person who made the complaint;

3) summary of essence of the appealed act in the matter of ministerial procedure;

4) the bases on which the question of check of legality and justification of the act in the matter of ministerial procedure is raised;

5) explanation of the interested person who was present at consideration of the claim;

6) the established facts of the case and proofs on which conclusions of the body (official) which considered the administrative claim are based;

7) arguments on which these or those proofs were rejected and are not applied the laws and other regulatory legal acts to which interested persons referred;

8) the laws and other regulatory legal acts by which the body (official) in case of decision making according to the administrative claim was guided;

9) motives for which the higher body (official) did not agree with conclusions of subordinate body (official) in case of cancellation or change of the act in the matter of ministerial procedure;

10) conclusions by results of consideration of the administrative claim.

3. In the decision according to the administrative claim also the procedure for distribution of administrative expenses is specified.

4. The decision according to the administrative claim becomes effective according to the procedure, established by this Law.

5. The decision according to the administrative claim goes to interested persons or is handed to them on receipt within three working days from the date of acceptance.

6. The decision according to the administrative claim made by the administrative authority which adopted the appealed administrative act can be appealed in higher administrative authority or court.

Appeal of the decision according to the administrative claim in higher administrative authority can be performed within thirty working days from the date of its obtaining or delivery. The decision of higher administrative authority can be appealed in court.

7. Administrative appeal and review of the decision according to the administrative claim in higher administrative authority are made according to the procedure, provided by Chapters 10 and 11 of this Law.

### **Article 69. Decision making on the substance of the administrative claim**

1. Having considered the administrative claim to the administrative act, the administrative authority which adopted this administrative act has the right:

1) to satisfy the claim fully or partially, having cancelled the administrative act or having recognized it insignificant, or having adopted the new administrative act;

2) to leave the claim without satisfaction and the administrative act without change.

2. Having considered the administrative claim to action of administrative authority or the official, the higher administrative authority or the official has the right:

1) to satisfy the claim fully or partially, having recognized the appealed action fully or partially illegal and having stopped this action if it proceeded at the time of adoption of the claim;

2) to leave the claim without satisfaction with those reasons that action was legal.

3. Having considered the administrative claim to failure to act of administrative authority or the official, the higher administrative authority or the official has the right:

1) to satisfy the claim fully or partially and to make required action respectively fully or partially if the higher administrative authority or the official has the right to make required action;

2) to satisfy the claim fully or partially and to oblige subordinate administrative authority or the official to make the appealed action;

3) to leave the claim without satisfaction if failure to act was legal.

4. If in the cases provided in parts 1-3 of this Article, considers the corresponding claim according to this Law higher in relation to the body which adopted the act, administrative authority, then higher administrative authority has the right:

If one of the decisions provided in the specified parts considers that the claim can be satisfied fully or partially, accept 1);

To cancel 2) fully or partially the administrative act and to charge to the subordinate administrative authority which adopted the administrative act, to adopt the new administrative act;

3) to stop illegal action;

4) to make required action.

## **Chapter 12. Execution and forced execution of the administrative act and decision according to the administrative claim**

### **Article 70. Obligation of the administrative act and decision according to the administrative claim**

1. The administrative act and the decision according to the administrative claim (further - the act and the decision) are obligatory for execution.

2. The act and the decision are subject to execution after the term on appeal provided by this Law.

3. In the cases provided by the law and also proceeding from public concerns, the act and the decision can be performed immediately. The requirement of immediate execution of the act and the decision shall be reflected in the act.

### **Article 71. Appeal to execution of the act and decision**

1. The appeal to execution of the act and the decision is assigned to the administrative authority which passed this act or the decision.

2. The decision according to the administrative claim goes to subordinate administrative authority, authorized to turn it to execution, within three working days from the date of adoption of the relevant decision.

### **Article 72. Carrying out of the act and decision**

1. The act and the decision are carried out by authorized administrative authority according to the procedure, established by this Law, other law and the regulatory legal act adopted according to them.

2. In case of pronouncement of several independent acts or decisions concerning one person each act or the decision are carried out separately.

### **Article 73. Completion date of the act or decision**

1. The act and the decision are subject to execution no later than ten working days from the date of the expiration on appeal in time.

2. The reduced completion date of acts or decisions on separate categories of ministerial procedures can be established by other law.

### **Article 74. Procedure for execution of acts and decisions**

1. The act and the decision are performed by making by authorized administrative authority specified in the act or the solution of actions.

2. Making of actions for execution of the act or decision can make sure the relevant document, and also making of entry in the corresponding register.

3. The decision on issue to the applicant of the document having legal value is considered fulfilled from the moment of the actual issue of the document of the established form.

4. Execution of the act or decision on separate categories can be caused by making by the applicant of certain actions.

### **Article 75. Effects of non-execution of the act and decision**

1. The official who did not perform the act and the administrative determination is subject to attraction to the disciplinary responsibility established by the legislation on the public, municipal service.

2. Attraction to disciplinary responsibility does not exempt the official from execution of the act and the administrative determination.

### **Article 76. Forced execution of the act and decision**

1. The act and the decision directed to execution of any action can be carried out forcibly by means of the following enforcement measures:

- 1) accomplishment of actions at the expense of person to whom the act and the decision are addressed;
- 2) cash coercion;
- 3) direct coercion.

2. The enforcement measure shall be its proportional purpose. The enforcement measure shall be chosen so that losses of the obliged person and society were minimum.

### **Article 77. Body of forced execution**

1. Forced execution of the act and decision is performed by the administrative authority which accepted them (further - body of forced execution), the cases except for provided by the law.

2. The body of forced execution carries out also the decision according to the claim made by higher administrative authority.

### **Article 78. Accomplishment of actions at the expense of person to whom the act and the decision are addressed**

1. If the obligation of execution of any action provided by the administrative act, the decision assigned to person to whom the act and the decision are addressed is not performed by it, but its execution is possible from



other person, the body of forced execution has the right to charge to other person execution of this action at the expense of person to whom the act and the decision are addressed.

2. Body of the forced execution having the right if it is possible, itself to perform this action at the expense of the obliged person if the law does not provide other.

### **Article 79. Cash coercion**

1. Cash coercion is the enforcement measure imposed by administrative authority in cash for non-execution of the act, decision concerning person to whom the administrative act is addressed.

2. Cash coercion is appointed to person to whom are addressed the act, the decision if action cannot be performed from other person.

3. Cash coercion is appointed also if person to whom the act and the decision are addressed does not abstain from execution of any action specified in the corresponding administrative act.

4. In the cases provided by this Article, cash coercion is appointed in the amount of fifty to five hundred settlement indicators.

5. In case of failure to pay cash coercion by person to which the act is addressed the administrative authority addresses to body of forced execution about collection of cash coercion.

### **Article 80. Direct coercion**

If accomplishment of actions at the expense of the obliged person or cash coercion cannot lead to the purpose or on objective circumstances cannot be applied, then the relevant administrative authority having such power according to the law, having the right to force directly obliged person to perform the corresponding action or to prohibit to make certain action.

### **Article 81. Warning of application of enforcement measures**

1. The obliged person shall be warned about application of enforcement measures. In the prevention there shall be fixed term of execution of the corresponding obligation during which opportunity to perform its acceptable for itself and the method which is not prohibited by the law can be given to the obliged person.

2. In the prevention the expense budget which is not interfering submission of further requirements shall be designated if accomplishment of actions at the expense of the obliged person leads to big costs.

3. In the warning of application of cash coercion certain amount of cash coercion shall be designated.

4. The prevention can repeat until the duty is not fulfilled or the administrative authority will not apply direct coercion. During this time the prevention can undergo to changes.

5. The prevention shall be constituted in writing and in the procedure for delivery of administrative acts established by this Law is handed to the obliged person.

### **Article 82. Purpose of enforcement measures**

Enforcement measures are appointed in case of non-execution of the corresponding obligations from the obliged person in time, established in the warning of application of these measures.

### **Article 83. Application of enforcement measures**

1. The appointed means of coercion is applied according to its appointment.

2. If the obliged person shows resistance during execution of actions or application of direct coercion, then against it force in the procedure established by the law can be used.

In this case, upon the demand of administrative authority, relevant organs shall give help for the purpose of overcoming resistance.

3. The enforcement proceeding comes to an end when execution achieved the goal.

## **Chapter 13. Execution of monetary claims**

### **Article 84. Public monetary claims**

The public monetary claim is the payments which are subject without fail in the government and local budget sums of money (further - monetary claims) in the procedure established by the law and on the basis of administrative acts.

### **Article 85. Procedure for execution of monetary claims**

Monetary claims are subject to execution on the basis of court resolutions according to the procedure, the established legislation on enforcement proceeding.

### **Article 86. The obliged person**

The obligation of payment of the amounts provided by monetary claims is assigned to that person who shall pay the amount:

- 1) pro se or for the violations allowed by it;
- 2) for other person.

### **Article 87. Issue of the duplicate of the act or decision**

1. In case of loss of the act or decision, reduction in worthlessness and other cases of impossibility of their use the interested person has the right to file petition for issue of the duplicate of the act or the decision. The application for issue of the duplicate can be submitted before expiration of the document.

Issue of the duplicate of the act or decision is made by authorized administrative authority within ten working days from the date of receipt of the statement.

2. Issue of the duplicate of the act or decision is assessed with the state fee in the amount of and procedure, stipulated by the legislation.

## **Chapter 14. Administrative expenses**

### **Article 88. Administrative expenses**

The state fee paid when implementing ministerial procedure in the procedure and the size established by the law and also other expenses established by this Chapter belongs to administrative expenses.

### **Article 89. Payment of duties for ministerial procedures**

1. The applicant, and also in the cases provided by the law other persons shall pay for consideration of the case on ministerial procedure in the size and procedure established by the legislation the state fee.

2. Questions of return, duty relief, payment deferral or its transfer and reduction of its size when implementing ministerial procedure are regulated by the legislation.

### **Article 90. Other expenses when implementing ministerial procedure**

1. When implementing ministerial procedure treat other expenses:

- 1) the expenses connected with delivery of the administrative act or decision according to the administrative claim or other documents to their addressees and also with the invitation of witnesses, experts and translators;
- 2) the expenses connected with publication of announcements and announcement of the administrative act;

3) the expenses connected with provision of additional copies of other documents concerning the administrative act or the procedure and also the expenses connected with copying (photocopies) from these documents and extraction from them and provision of the last;

4) the expenses connected with ensuring participation in ministerial procedure or with the telegrams and long-distance phone calls connected with ministerial procedure;

5) traveling expenses;

6) the amounts which shall be paid to other administrative authorities or other persons because of help given by them or services;

7) the expenses connected with movement or preserving things;

8) expenses of administrative authority on execution of the administrative act or decision according to the administrative claim;

9) the amounts paid to experts, specialists and translators when implementing ministerial procedure.

2. The expenses provided by part of 1 this Article are assigned to the body performing ministerial procedure, and connected with the invitation of the expert or translator of expense are compensated according to the procedure, the stipulated in Article 91 this Law.

The expenses connected with copying and extraction from case papers of ministerial procedure are born by person who imposed such requirement. In this case expenses shall not exceed the actual costs made by administrative authority on copies and extraction.

### **Article 91. The expenses paid to witnesses, experts, specialists and translators when implementing ministerial procedure**

1. Work of experts and translators when implementing ministerial procedure is paid if this work does not belong to their service or labor duties in this administrative authority.

2. The expenses connected with participation of witnesses, experts and translators when implementing ministerial procedure are paid from means of the republican budget, and also corresponding local budget depending on what of administrative authorities invited these persons (state bodies or local government bodies).

If the expert and the translator were invited from any participant of ministerial procedure, then the corresponding expenses are incurred by this participant.

3. The corresponding payment to persons specified in this Article is performed according to the procedure and the size, established by the Government of the Kyrgyz Republic, and in case of their invitation from any participant of ministerial procedure - according to the procedure and the size, established by the agreement between them.

### **Article 92. Expenses in case of interaction (mutual assistance) of administrative authorities**

The expenses connected with implementation of interaction (mutual assistance) are born by the administrative authority rendering assistance.

## **Chapter 15. Responsibility for causing and indemnification**

### **Article 93. Responsibility for damnification**

1. The body of the state executive authority bears responsibility for the harm done to physical, legal entities when implementing ministerial procedures.

2. The executive body of local self-government bears responsibility for the harm done to physical, legal entities when implementing ministerial procedures.

3. If harm is done in case of execution of the delegated powers of administrative authority, then responsibility is born by this administrative authority.

## Article 94. Indemnification

The harm done by administrative authorities owing to ministerial procedures is subject to compensation according to the civil legislation.

## Chapter 16. Transitional provisions

### Article 95. Transitional provisions

The ministerial procedures initiated before entry into force of this Law, but its introductions which are not completed later in force, are performed according to the legislation existing before entry into force of this Law if the applicant or person to whom the administrative act is addressed do not require in writing implementation of incomplete part of ministerial procedure according to this Law.

## Chapter 17. Final provisions

### Article 96. Entry into force of this Law

1. This Law becomes effective after nine months from the date of its official publication.
2. To the government of the Kyrgyz Republic within six months from the date of official publication of this Law:
  - 1) to perform inventory count of the current legislation regarding its compliance to this Law;
  - 2) to develop and submit drafts of the laws directed to reduction in compliance with this Law for consideration of Jogorku Kenesh of the Kyrgyz Republic;
  - 3) to bring the regulatory legal acts into accord with this Law;
  - 4) to carry out organizational and methodological work on explanation of application of this Law.
3. To the National Bank, Social fund, National Statistical Committee and other bodies of the Kyrgyz Republic which are not a part of the system of executive bodies, but performing ministerial procedures to hold the events established by part 2 of this Article within six months from the date of official publication of this Law.
4. From the date of entry into force of this [Law Law of the Kyrgyz Republic](#) "About procedure for consideration of addresses of citizens" is effective only in the part concerning consideration of addresses of the citizens who are not connected with implementation of ministerial procedures.
5. From the date of entry into force of this Law to recognize invalid:  
[The law](#) of the Kyrgyz Republic "About ministerial procedures" of March 1, 2004 No. 16 (Sheets of Jogorku Kenesh of the Kyrgyz Republic, 2004, No. 6, the Art. 250);  
article 2 of the Law of the Kyrgyz Republic "About modification of some legal acts of the Kyrgyz Republic" of July 30, 2013 No. 178 in state language (The sheet of Jogorku Kenesh of the Kyrgyz Republic, 2013, No. 7, the Art. 964);  
article 2 of the Law of the Kyrgyz Republic "About modification of some legal acts of the Kyrgyz Republic" of July 30, 2013 No. 178 in official language (The sheet of Jogorku Kenesh of the Kyrgyz Republic, 2013, No. 7, the Art. 935);  
The order of the Government of the Kyrgyz Republic "About measures for implementation of the Law of the Kyrgyz Republic "About ministerial procedures" of May 27, 2004 No. 392 (the tabloid "Erkin Too" "Regulations of the Government of the Kyrgyz Republic" of July 15, 2004 No. 25-26).

President of the Kyrgyz Republic

A. Atambayev

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