DECREE No 1803
OF THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN

ISSUES OF THE STATE INSURANCE MONITORING OF THE REPUBLIC OF KAZAKHSTAN

The 19th of December, 1995

In accordance with Edict N 2541 of the President of the Republic of Kazakhstan, dated October 19, 1995 «Concerning Improving of the Structure of Central Executive Bodies of the Republic of Kazakhstan» the Government of the Republic of Kazakhstan decrees:

1. That Regulations shall be approved Concerning the State Insurance Monitoring of the Republic of Kazakhstan (attached).

2. That the structure of the Central Apparatus of the State Insurance Monitoring of the Republic of Kazakhstan shall be approved in accordance with the Supplement, on the basis of the maximum number of workers of the Central Apparatus in the number on 25 persons.

3. That it shall be allowed to the State Insurance Monitoring of the Republic of Kazakhstan to have one deputy Chairman, and also the Collegium in the number of 7 persons.

4. That the maximum number of service passenger cars for the Central Apparatus of the State Insurance Monitoring shall be approved in the number of 2 persons.

5. That it shall be established that financing of expenditures on the maintenance of the Central Apparatus of the State Insurance Monitoring of the Republic of Kazakhstan shall be carried out at the expense of resources stipulated in the Republic's Budget on the maintenance of the Central Executive Bodies.

6. That the State Committee of the Republic of Kazakhstan for Managing the State Property shall within one month allocate service premises for the State Insurance Monitoring of the Republic of Kazakhstan.

7. That the Ministry of Transport and Communications of the Republic of Kazakhstan shall supply the Apparatus of the State Insurance Supervision of the Republic of Kazakhstan with all required means of communication.

First Deputy Prime Minister of the Republic of Kazakhstan
N. Isingarin

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Decree No 1803

Approved by
Decree N 1803 of the
Government of
the Republic of Kazakhstan
dated December 19, 1995

Regulations
Concerning the State Insurance Monitoring of the Republic of Kazakhstan

I. General Provisions

1. That State Insurance Monitoring of the Republic of Kazakhstan (henceforth, the Gosstrakhnadzor of the Republic of Kazakhstan) shall be a central executive body which carries out the state monitoring of insurance activities, supervision of compliance with legislation concerning insurance and which provides for protection of legitimate rights and interests of insurants, insurers, third parties and the State.

2. In its activities the Gosstrakhnadzor of the Republic of Kazakhstan shall be guided by the Constitution of the Republic of Kazakhstan, current legislation, acts of the President and the Government of the Republic of Kazakhstan, and also by these Regulations.

3. The Gosstrakhnadzor of the Republic of Kazakhstan shall be a legal entity, exercise the rights defined by these Regulations and it shall exercise the functions associated with its activities in the entire territory of the Republic of Kazakhstan. The Gosstrakhnadzor of the Republic of Kazakhstan shall have its independent balance sheet, accounts at banking institutions, the seal with the picture of the State seal of the Republic of Kazakhstan with its name in the Kazakh and Russian languages and appropriate stamps, seals and official paper.

II. Objectives of the Gosstrakhnadzor of the Republic of Kazakhstan

4. The Gosstrakhnadzor of the Republic of Kazakhstan shall have the following objectives:

- exercise of the state insurance monitoring in the sphere of insurance activities;
- participation in elaboration of the state policy in the area of insurance activities in accordance with the established procedure:
- participation in preparation and implementation of international agreements and treaties on the issues of insurance, as well as assistance to development of international collaboration of insurance companies of the Republic of Kazakhstan with insurance organisations of other countries in the established procedure.

III. Functions of the Gosstrakhnadzor of the Republic of Kazakhstan

5. They shall comprise the following:

- issuing of licences for performance of insurance activities;
- supervision of compliance with regulations concerning the ratio between owned resources of insurers and insurance obligations assumed by them;
- supervision of compliance by legal entities and citizens with requirements of legislation concerning compulsory insurance;

- supervision of compliance of contents of insurance agreements used by insurers with the requirements of legislation;
- supervision of compliance with requirements of legislation of the Republic of Kazakhstan concerning the prohibition in its territory of insurer activities of foreign insurance companies;
- generalisation of the practice of insurance activities, elaboration and presentation in accordance with the established procedure of proposals relating to development and improvement of legislation concerning insurance and development of the insurance market in the Republic;
- organisation of training and professional preparation and re-training of specialists in the area of insurance.

IV. The Rights of the Gosstrakhnadzor of the Republic of Kazakhstan

6. In accordance with the defined objectives and functions, the Gosstrakhnadzor of the Republic of Kazakhstan shall have the following rights:
- receive from insurers established reports on insurance activities;
- carry out audits of compliance by insurers with legislation concerning insurance;
- carry out audits of compliance by insurants, including enterprises with foreign participation, with legislation concerning compulsory insurance;
- appeal to courts with actions concerning recognition as invalid of insurance agreements, co-insurance and re-insurance agreements which contradict requirements of civil and insurance legislation;
- issue to insurers, managers of legal entities, including enterprises with foreign participation, prescriptions concerning the necessity of compliance with requirements of legislation concerning insurance or concerning elimination of its violations, which shall be obligatory;
- file actions with courts to impose fines and revoke licences.

V. Governing Bodies of the Gosstrakhnadzor of the Republic of Kazakhstan

7. The Gosstrakhnadzor of the Republic of Kazakhstan shall be headed with the Chairman and his Deputy appointed to office by the Government of the Republic of Kazakshtan.

8. The Chairman (his deputy) of the Gosstrakhnadzor of the Republic of Kazakhstan shall bear personal responsibility for the implementation of objectives and functions delegated to the Gosstrakhnadzor of the Republic of Kazakhstan. In accordance with them, he shall:
- approve plans of work of the Gosstrakhnadzor of the Republic of Kazakhstan;
- determine the degree of responsibility of the Deputy and heads of structural subdivisions for the sections of work delegated to them;
- approve the regulatory documents which define the rights and obligations of officials persons;
- issue orders and instructions, issue ordinances which shall be obligatory for execution by all insurers and organise reviews of their implementation.

9. At the Gosstrakhnadzor of the Republic of Kazakhstan, the Collegium shall be created consisting of its Chairman (the Chairman of the Collegium), the Deputy and one executive worker, as well as representatives of the state bodies and other bodies.

The personal membership of the Collegium shall be approved by the Government of the Republic of Kazakhstan.

Supplement
to Decree N 1803 of the Government
of the Republic of Kazakhstan
dated December 19, 1995

THE STRUCTURE
of the Central Apparatus of the Gosstrakhnadzor of the Republic of Kazakhstan

Leadership

Department for Licensing and Supervision of Insurance Activities

Finance and Support Department