

# Cross-Regional Court Performance Assessment – Country Report

📍 Kazakhstan



**European Bank**  
for Reconstruction and Development

**DENTONS**





# Key findings

## Macro Data

Central Asia<sup>1</sup>

EBRD region of operation

19,000,988 (2021)<sup>2</sup>

Population size

2,699,700.0<sup>3</sup>

Land area (sq.km.)

10,373.8 (2021)<sup>4</sup>

GDP per capita in USD

In all examined dimensions, Kazakhstan's performance is above the average score of 2. The country has particularly high scores for Dimension 1. Policies and Infrastructure for E-justice, and average scores for the other three MLAT dimensions. Kazakhstan performs better than most other assessed CoOs in Dimension 4. Small Claims Procedures.

Regarding **Policies and Infrastructure for E-justice**, Kazakhstan has consistently high scores with the exception of stakeholder engagement. Advanced electronic IDs are issued in Kazakhstan with the physical ID of the citizen. The necessary e-filing infrastructure is available; e-filing is commonly being used; and it is available also for commercial litigation. The e-filing platform offers user guides, help desk, and various types of user guidance. Sufficient e-service infrastructure is also available in Kazakhstan for a sizable number of court procedures. Enforcement can be initiated in Kazakhstan based on an electronic enforceable title.

Regarding **Commercial Dispute Resolution**, Kazakhstan performs slightly above the average. There are specialised economic courts in every region and major cities of Kazakhstan; however, the procedure for commercial cases is the same as the general civil one. Inception and continuous training in commercial law for economic judges are not provided consistently on a mandatory basis. The jurisdiction has well-established legislation for mediation in civil/commercial



issues and is among the leaders with regard to this indicator. Kazakhstan does not publicise disaggregated statistics on commercial litigation; therefore, it is not possible to analyse its effectiveness and efficiency.

Kazakhstan has above average scores for **Uncontested Procedures for Enforcing a Claim**. Effective online filing of the applications for uncontested procedures is available in Kazakhstan and the procedure is quick. Like most examined jurisdictions, Kazakhstan receives relatively low scores for the availability of effective linkages between the uncontested procedure and the procedure following a statement of opposition.

<sup>1</sup> See <https://www.ebrd.com/where-we-are.html>.

<sup>2</sup> See <https://data.worldbank.org/country/kazakhstan?view=chart>.

<sup>3</sup> See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=KZ>.

<sup>4</sup> See <https://data.worldbank.org/country/kazakhstan?view=chart>.

As previously noted, Kazakhstan performs better than average in **Small Claims Procedures** compared to other EBRD CoOs. This is mainly due to the availability of meaningful procedural simplifications of the small claims procedure. In Kazakhstan, a case under simplified procedure must be resolved within one month after acceptance of the claim and this term cannot be extended. Online filing is available for small claims in Kazakhstan and is used in all or the majority of cases.

Overall, Kazakhstan has a relatively high level of readiness for the introduction of ODR. Key strengths include the high level of development of e-governance and e-infrastructure, and of the justice system's digitalisation in particular. All three examined areas, namely commercial litigation, uncontested claims and small claims, might be good candidates for ODR initiatives; however, adequate and consistent capacity building for commercial judges, and adequate stakeholder engagement for e-justice should be pursued.



# Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 1. Policies and Infrastructure for E-Justice</b>			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		<a href="https://sud.gov.kz/rus/content/cifrovizaciya">https://sud.gov.kz/rus/content/cifrovizaciya</a> According to the presentation available at the provided link, time period of the strategy – 2018-2022.
	Which body is responsible for digitization of the judiciary?		The Department for Provision of Courts' Activity under the Supreme Court of the Republic of Kazakhstan (Administrative Office of the Supreme Court of the Republic of Kazakhstan)
	Which body is responsible for digitization in public administration?		The Ministry of Digital Development, Innovations and Aerospace Industry of the Republic of Kazakhstan
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		N/A
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?		The case management system does not provide for a tool for auto-generation of parts of judicial acts.
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		According to the IT department of the Court of Astana, it is possible for judges to access the Case Management System remotely. However, this option can be used only by those judges who have received permission to work remotely due to justifiable reasons.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.1. Level of Development of E-governance and E-infrastructure</b>			
1.1.1.	Level of internet penetration	3	86%
1.1.2.	Level of development of electronic signatures	3	<p>Use of electronic signature in Kazakhstan is governed by the <a href="#">Law on Electronic Document and Electronic Digital Signature</a> dated 7 January 2003 No.370.</p> <p>Electronic signatures are used regularly in interactions with governmental/judicial authorities in Kazakhstan.</p>
1.1.3.	Level of development of electronic documents	3	<p>Use of electronic documents in Kazakhstan is governed by the same Law on Electronic Document and Electronic Digital Signature.</p> <p>Electronic documents are commonly used in interactions with governmental/judicial authorities in Kazakhstan.</p>
1.1.4.	Level of development of national electronic identification	3	<p>Legislation governing the use of electronic identification: (1) <a href="#">Law On Identity Documents</a> dated 29 January 2013 No. 73-V, (2) <a href="#">Law on Electronic Document and Electronic Digital Signature</a>.</p> <p>In Kazakhstan, electronic IDs are issued together with in the physical ID of the citizen. There is a microprocessor embedded in the e-ID card, which contains the cardholder's digital information such as demographics, facial image and biometrics. An individual can also integrate his/her e-signature to the microprocessor embedded in the e-ID card.</p> <p>In addition, since February 2021, Kazakhstan citizens may download their e-IDs (including national IDs, driver's license, vaccination passport, children's IDs) from eGovernment web-portal. Kazakhstan citizens are allowed to use electronic IDs (i.e. not to hold physical ones) on certain occasions e.g. driver's licenses when driving and national e-IDs when flying within the country.</p>
1.1.5.	Level of online access to administrative services	3	<p>Kazakhstan provides interactive online access to administrative services (including e-filing and obtaining valid electronic certificates from public administration).</p> <p>There are eGovernment web-portal (egov.kz) for obtaining state services and eOtinish (eotinish.kz) web-service for filing electronic inquiries and complaints to the state authorities.</p>
1.1.6.	Level of broadband internet access	1	34,76 Mbps

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.2. Overall level of development of justice system digitalisation</b>			
1.2.1.	Status of e-Justice strategy	2	<p>There is an <a href="#">e-justice strategy</a> but its implementation largely does not comply with key milestones established therein.</p> <p>For example, the e-strategy stipulated that by 2022 there would be a sophisticated system for online court hearings. However, since the beginning of COVID-19 pandemic, the courts have not had sufficient software/technical capabilities to do this. The courts have held online court hearings via WhatsApp, and hardly ever on any designated platforms like Zoom (only if one of the parties provides a link).</p> <p>Another example, the e-strategy stipulated that by 2020, court judgments would be depersonalized when downloaded from the Judicial Office. However so far this function has not been implemented.</p>
1.2.2.	Case management system (CMS) deployment rate	3	According to the latest available <a href="#">CEPEJ data</a> Rate of deployment of CMS in civil and/or commercial courts in Kazakhstan is 100%
1.2.3.	Level of integration of the Case Management System	3	Technically there is one CMS: (1) Torelik is the main system that is used by courts and integrates all internal information processes within the courts of Kazakhstan; (2) Judicial Office (office.sud.kz) is part of and is integrated in Torelik and is the interface used by court users (participants).
1.2.4.	Official information about the justice system available over the internet	3	The relevant information portals (websites) of justice system provide online all the following types of information: (1) the contact information of all courts; (2) schedules of court hearings; and (3) forms that can be used by citizens and businesses for various filings with the court.
1.2.5.	Publication of court judgments and free online access to them	3	<p>Art. 19.9 of the <a href="#">Civil Procedure Code of Kazakhstan</a> dated 31 October 2015 No. 377-V (the “<b>CPC</b>”) provides that judgements that have come into force are published on the official website of Judicial Office information system (office.sud.kz).</p> <p>Court judgments are not publicly available if the trial was not conducted in public which happens when it is necessary to ensure privacy, preservation of personal, family, commercial or other secrets protected by law (Art. 19.2 of the CPC).</p>



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.3. Digitisation of court processes</b>			
1.3.1.	Availability and use of e-filing	3	<p>The CPC governs submission of a case to the court by electronic means via Judicial Office system (office.sud.kz). There are internet forms for submission with a possibility of attachment of scans of documents.</p> <p>E-filing is commonly used in Kazakhstan.</p>
1.3.2.	Availability and use of electronic service of process (e-service)	3	<p>The CPC governs e-service procedures and there is adequate infrastructure for that such as SMS-notifications, notifications in the Judicial Office system and by e-mail address indicated by the party.</p> <p>The CPC stipulates that sending notices electronically is an appropriate way of notification (Art. 127.4 of the CPC).</p> <p>Based on our experience, electronic means are actually frequently used as notification tools.</p>
1.3.3.	Possibility to check case files and track case progress remotely	2	<p>Parties can track progress of the case and key procedural events remotely through websites/information systems of the judicial system. The CPC provides that parties have the right to review the claim and the case materials through the court's official website, except for cases to be heard in closed proceedings. However, in practice availability of the case materials depends on how timely the secretary of the judge will upload the documents to the system (Art. 128.3 of the CPC).</p>
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	3	<p>The CPC provides that Parties to the case may participate in the hearing by technical means of communication at their request or at the initiative of the court (Art. 133-3.1 of the CPC). In practice, such online hearings are frequently held, particularly since the start of the Covid-19 pandemic and the quarantine and freedom of movement restrictions associated with it.</p>
1.3.5.	Court fees	3	<p>The CPC provides for the possibility of electronic payment of the state duty, which can be confirmed by checks and receipts on paper or in electronic form (Art. 103 of the CPC). It is possible to pay by a credit card directly, even by means of scanning of a QR-code generated in the e-filing system by a bank.</p> <p>Online calculator is also available in the Judicial Office system(office.sud.kz).</p>
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	3	<p>An enforcement writ can be issued as an electronic enforcement writ signed by the judge's e-signature.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.4. Stakeholder engagement</b>			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	1	There is no legislation governing the obligation for any types of professional court users to interact with the court only electronically.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There are no monetary incentives for conducting certain court actions electronically.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	3	<p>E-filing is available in the Judicial Office system (<a href="https://office.sud.kz">office.sud.kz</a>) and all of the following three types of user support are provided on the e-filing platform: (1) user guides; (2) help desk; (3) other forms of user guidance (e.g., frequently asked questions (FAQs)).</p> <p>Help desk can be reached by (1) a phone line or (2) by writing an email to <a href="mailto:office@sud.kz">office@sud.kz</a></p> <p>Here is the link to the instruction on working with the Judicial Office <a href="https://office.sud.kz/materials/help.xhtml">https://office.sud.kz/materials/help.xhtml</a></p> <p>Here is the link to Judicial Office mobile app user manual <a href="https://office.sud.kz/content/files/instruction_mobile-ru.doc">https://office.sud.kz/content/files/instruction_mobile-ru.doc</a></p> <p>FAQs at the Judicial Office website <a href="https://office.sud.kz/materials/faq.xhtml">https://office.sud.kz/materials/faq.xhtml</a></p>
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	1	Court user surveys are conducted by the courts/ the judicial system sporadically.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 2. Commercial Dispute Resolution</b>			
	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		<p>Specialized Inter-District Economic Courts have jurisdiction over:</p> <ul style="list-style-type: none"> <li>• Civil cases on property and non-property disputes in which the parties are individual entrepreneurs and legal entities;</li> <li>• Corporate disputes;</li> <li>• Investment disputes;</li> <li>• Cases of restructuring of financial institutions and organizations that are part of a banking conglomerate as a parent organization and are not financial institutions (Art. 27 of the CPC).</li> </ul>
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		<p>Significant reforms of commercial dispute resolution were introduced with the adoption of the <a href="#">Administrative Procedure and Process-related Code</a> (the "APPC").</p> <p>After the adoption of the APPC on 1 July 2021, the disputes with state authorities arising out of public relations are heard by the Specialized Inter-district Administrative Courts under the rules of the APPC. Previously, such disputes were considered by the Specialized Inter-District Economic Courts under the rules of the CPC.</p> <p>This reform happened after the adoption of the APPC on 1 July 2021. Thanks to this reform appeals against acts of state authorities are submitted to and considered by the specialized administrative courts.</p> <p>We have not yet observed an effect of speeding up of the commercial cases. Maybe that is because the general statutory timeline for consideration of a civil/commercial case provided for by the CPC is already quite short (2 months from the end of the preparatory stage, overall around 3 months).</p>
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		<p>The COVID-19 pandemic has significantly affected court proceedings in general. Since March 2020 and to this day, almost all court proceedings are conducted electronically, and hearings are held online via a videoconference. Paper filings in courts have decreased significantly.</p>
	Number of female/male judges in the country.		<p>There is no specific statistics on first-instance courts. There is general statistics on all courts in Kazakhstan for the year of 2020. According to these statistics, the proportion of women judges in Kazakhstan courts is 51%.</p> <p>There is also available <a href="#">statistics on the members of the Supreme Court for 2020</a>. According to these statistics, the share of female member judges in the Supreme Court is 48%. <a href="https://gender.stat.gov.kz/page/frontend/detail?id=77&amp;slug=-62&amp;cat_id=9&amp;lang=ru">https://gender.stat.gov.kz/page/frontend/detail?id=77&amp;slug=-62&amp;cat_id=9&amp;lang=ru</a></p>
	Number of female/male first-instance commercial judges in the country.		<p>There is no specific statistics on first-instance courts, let alone on commercial judges of the first instance courts. On some available general statistics please see above.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.1. Level of specialisation of commercial dispute resolution</b>			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	3	There are specialised economic courts in every region of Kazakhstan and major cities of Nur-Sultan, Almaty and Shymkent (17 specialised economic courts in total).
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	There are no modifications of the general procedural rules in respect of commercial cases as compared to general civil cases.
2.1.3.	Inception training in commercial law for commercial judges	1	There is no mandatory or voluntary training in commercial law provided to commercial judges upon entry/appointment.
2.1.4.	Continuous (regular) commercial law training for commercial judges	1	There is no mandatory or voluntary training in commercial law provided regularly (continuously) to commercial judges.
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	Commercial judges have judicial assistants, but they receive no specialized commercial law training

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.2. Use of mediation/ADR tools</b>			
2.2.1.	Availability of mediation in civil/commercial disputes	3	<p>Mediation in civil/commercial disputes is available.</p> <p>The CPC and the <a href="#">Law on Mediation</a> dated 28 January 2011 No. 401-IV provide for the mediation procedures in civil/commercial litigation.</p> <p>Court-annexed mediation is also available. For examples, see below:</p> <p>Under Art. 179.1 of the CPC, parties have the right to apply for settlement of a dispute in mediation with the assistance of a judge or mediator before the court leaves for rendering a decision in courts of first, appellate and cassation instances.</p> <p>Under Art. 179.3 of the CPC the mediation procedure can be conducted by judge-mediator after filing a claim with court but before beginning of court proceedings.</p> <p>Under Art. 179.4 of the CPC, in order to conduct mediation in the court of first instance, the case shall be transferred to another judge (mediator). At the request of the parties, mediation may be conducted by the judge who is hearing the case.</p>
2.2.2.	Availability of an official register of mediators accessible online	3	<p>The Law on Mediation provides requirements for professional mediators. Official register of professional mediators is provided in Judicial Office system (<a href="#">office.sud.kz</a>).</p>
2.2.3.	Availability of incentives for mediation	3	<p>The CPC provides that if the parties settle by mediation in the first instance or appellate courts, then the paid state duty shall be refunded in full. If the parties settle by mediation in the Supreme Court, half of the paid state duty shall be returned (Art. 115.2 of the CPC). Furthermore, mediation in courts is conducted free of charge.</p>
2.2.4.	Enforceability of mediation settlement agreements	3	<p>The mediation settlement agreements, whether concluded within or outside of court proceedings, are enforceable.</p> <p>If a mediation settlement agreement is not executed voluntarily, a party thereto may apply to the court for issuing a relevant enforcement writ. Such an enforcement writ is directly enforceable under <a href="#">the Law on Enforcement Proceedings</a> (Art. 180.4 and 178.2 of the CPC).</p>
2.2.5.	Availability and use of online solutions for out-of-court settlement	2	<p>1) Mediation. The Law on Mediation provides that the mediation can be conducted by electronic means (via email, telephone, video conferencing and other).</p> <p>2) Negotiations and participatory procedure. The CPC also provides that a dispute can be settled by an amicable agreement of the parties (Art. 175-178 of the CPC) or in a so-called participatory procedure (with assistance of the licensed advocates engaged by the parties) (Art. 181-182 of the CPC). There are no restrictions in legislation for conducting negotiations on the subject of an amicable settlement or a participatory procedure electronically.</p>



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)</b>			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	N/A	There are no separate statistics for commercial cases.
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	N/A	
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	N/A	
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 3. Uncontested Procedures for Enforcing a Claim</b>			
	What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.		<p>The procedure is called writ proceedings.</p> <p><i>A court order is a judicial act, which is issued in electronic form on an application of the claimant for recovery of money or reclamation of movable property from the defendant on uncontested claims, as well as on an application of the claimant for execution of agreements concluded in the order of pre-trial dispute settlement in cases established by law or provided by the contract, without calling the defendant and the claimant for hearing their explanations and without a court proceeding (Art. 134.1 of the CPC).</i></p>
	Which authority is entrusted with examining claims that may be uncontested by the debtor?		It is the court who considers whether a claim falls under this list.
	If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?		Art. 136.1 of the CPC provides that an application for a court order is filed with the court under the general rules of territorial jurisdiction
	What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?		<p>Art. 135 of the CPC provides for an exhaustive list of 19 types of uncontested claims.</p> <p>Writ Proceedings are, for example, applicable for claims:</p> <ul style="list-style-type: none"> <li>• on the execution of mediation or other agreements entered into as pre-trial settlement of disputes;</li> <li>• on recovery of alimony for the maintenance of underage children;</li> <li>• on recovery of debts on customs payments, taxes, special, anti-dumping and countervailing duties, penalties and interest from natural persons;</li> <li>• and others.</li> </ul>
	Is there a monetary threshold for applying the uncontested claims procedure?		No

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.1. Ease of filing</b>			
3.1.1.	Effective self-representation	2	The CPC does not provide for any restrictions on self-representation. Legal entities tend to engage a lawyer. It is not clear how individuals act.
3.1.2.	Availability and use of forms for filing the claim	1	There are no official standard forms for filing the claim and creditors are free to choose a format, in which to do it.
3.1.3.	Availability and use of online filing	3	Art. 136.2 of the CPC provides that an application for a court order shall be submitted in writing or in the form of an electronic document.
3.1.4.	Level of court fees for filing a claim	2	The fee for filing the claim in this procedure is 50% lower than the fee for filing a general civil/commercial claim (Art. 610.1.10 of <a href="#">the Tax Code</a> )
3.1.5.	Simplified rules on attachment of evidence to the claim	2	Documentary evidence is required but may also be sent by electronic means (Art. 136.4 of the CPC).



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.2. Efficient processing</b>			
3.2.1.	Predictability of the timelines for pronouncement	3	The timelines for pronouncement on applications under the procedure are set in the CPC and are usually (albeit not always) complied with by the courts in practice.
3.2.2.	Length of timelines for pronouncement	3	The court order on the merits of the stated uncontested claim is issued by the judge within three working days from the date of receipt of the application in court (Art. 139 of the CPC). The timeline is complied with.
3.2.3	Availability of options for service to the debtor without proof of receipt	3	<p>The rules of the jurisdiction allow the issuance of an enforceable title without proof of receipt by the debtor by at least one of the methods for service without proof of receipt under Art. 14 of Regulation (EC) No 1896/2006 creating a European order for payment procedure.</p> <p>The CPC stipulates the appropriate ways of notification in Art. 127.4 of the CPC.</p> <p><i>The methods of service without proof of receipt under Art 14 of the regulation are:</i></p> <p><i>(a) personal service at the defendant's personal address on persons who are living in the same household as the defendant or are employed there;</i></p> <p><i>(b) in the case of a self-employed defendant or a legal person, personal service at the defendant's business premises on persons who are employed by the defendant.</i></p> <p>Please see Art. 130 of the CPC. <a href="https://adilet.zan.kz/rus/docs/K1500000377">https://adilet.zan.kz/rus/docs/K1500000377</a></p> <p><b>Article 127. Court notices and calls</b></p> <p>1. Persons, participating in the case, their representatives, and witnesses, experts, specialists and interpreters shall be informed about time and place of court session or separate procedural act, and are called to the court by summons.</p> <p>2. The participants of the case, witnesses, experts, specialists and interpreters may be notified or summoned by sending a notice to an e-mail address or a mobile phone number, as well as using other electronic means of communication that ensure the recording of a notice or a call.</p> <p>In the absence of information on the e-mail address or mobile phone number, or other electronic means of communication that ensure the recording of a notice or call, a court summons or other notice on paper shall be sent to the last known place of residence or location.</p> <p>If a person does not live at the address submitted to the court, notification or call shall be sent to the place of his work.</p> <p>Persons, participating in the case, shall be entitled to publish a message on time, date and place of proceedings in mass media in cases by which notified and called persons did not appear in the court.</p> <p>If there is information about electronic means of communication, referred in subparagraphs 1) and 2) of the fourth part of this article, notifications shall be sent to representatives of the parties.</p>

3.2.3	Availability of options for service to the debtor without proof of receipt (continued)		<p>3. Notifications and calls shall be sent no later than the next day from the date of making decision on preparation of the case to proceedings, or from the date of legal proceedings, that notified or called person has sufficient time to appear in the court and to prepare for the case.</p> <p>4. Appropriate notification of the party is notification, sent to the party:</p> <ol style="list-style-type: none"> <li>1) to email specified by the party, participating in the case;</li> <li>2) to email, specified in electronic services of the Supreme Court of the Republic of Kazakhstan;</li> <li>3) to e-mail, specified in the contract, concluded between the parties within the one year and which is matter of the dispute;</li> <li>4) on subscriber number of mobile communications, submitted to the court, upon receipt of a report, confirming the delivery;</li> <li>5) using other electronic means of communication that ensure the recording of a notice or a call, unless it is proved that such a notice has not been received or has been received later;</li> <li>6) on paper - according to the last known place of residence or location.</li> </ol> <p>If a party fails to appear on the first notice sent via electronic means of communication specified in subparagraphs 1), 2) and 3) of this part, a repeated notice shall be sent using other electronic means of communication and delivery that ensure that the court notice or summons is recorded.</p>
3.2.4.	Ease of debtor's objection	1	The defendant's objections must be supported by relevant evidence of the existence of the subject matter of the dispute specified in the application for the court order. Otherwise the court returns the defendant's objections (Art. 141.3 and 141.5 of the CPC).

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition</b>			
3.3.1.	Consequence of debtor's lack of objection	2	If no objection is received from the defendant within the established period, the court order shall be issued to the claimant for enforcement or, at his application, sent by the court for enforcement to the relevant body of justice or the regional chamber of private bailiffs according to territoriality (Art. 143.1 of the CPC)
3.3.2.	Launching the litigious stage of the procedure	1	If the debtor lodges a statement of opposition, the uncontested procedure is terminated and the claimant wishing to pursue the claim may file it under the general procedure (Art. 142.2 of the CPC)
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	3	When the claimant brings an action against the defendant in the litigious procedure, the state duty paid by the claimant in writ proceedings shall be set off against the due payment of the state duty in the litigious procedure (Art. 137.3 of the CPC).
3.3.4.	Management of statements of opposition	1	There are no available statistics of claims that continue as litigious procedures.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)</b>			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		<p>The procedure is called Simplified Procedure.</p> <p>A simplified procedure claim is processed by the court based on the same rules of a normal litigation claim unless the CPC establishes different rules with regard to a particular aspect of a simplified procedure claim. (Art. 267-1 of the CPC)</p> <p>This procedure existed earlier in Art. 144 of the CPC. But Law dated 20 December 2021 introduced amendments to the CPC and this procedure moved to Chapter 21-1 of the CPC.</p> <p>Please see up-to-date CPC at this link (in Russian) <a href="https://adilet.zan.kz/rus/docs/K1500000377">https://adilet.zan.kz/rus/docs/K1500000377</a></p>
	Is there a special small claims court or a special court division examining small claims?	No	
	What is the monetary threshold for the applicability of the procedure?		<p>The following cases are subject to simplified (written) proceedings:</p> <p>1) on claims for recovery of money, if the value of the claim does not exceed for legal entities 2000 monthly calculation indices (6,126,000 KZT, approximately 13,400 USD), for individual entrepreneurs and citizens - 1000 monthly calculation indices (3,063,000 KZT, approximately 6,700 USD);</p> <p>2) on claims based on the documents submitted by the claimant that establish the respondent's monetary obligations and (or) on the documents proving the debt under the contract, irrespective of the amount of the claim (Art. 267-2 of the CPC).</p> <p>Monthly calculation index is a coefficient for the calculation of penalties, taxes and other payments, as well as various social payments in accordance with the legislation of the Republic of Kazakhstan, established by the law on the budget for the relevant year.</p> <p>Amount of the MCI for 2022 is KZT 3,063.</p>
	What claims is the procedure applicable to?		Please see above

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 4.1. Ease of filing</b>			
4.1.1.	Effective self-representation	2	The CPC does not provide any restrictions for self-representation. In commercial disputes parties would tend to engage a lawyer rather than self-represent.
4.1.2.	Existence of forms for filing the claim	1	There are no official standard forms for filing the claim and creditors are free to choose a format, in which to do it
4.1.3.	Availability and use of online filing	3	Online filing is available and it is used in the majority of cases. Art. 148.1 of the CPC provides that a claim can be submitted to the court in a form of paper or electronic document.
4.1.4.	Guidance to self-represented litigants	1	There are no special rules that require judges/court clerks to provide guidance to self-represented litigants

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure</b>			
4.2.1.	Statutory timelines in the small claims procedure	3	<p>Statutory timelines in the simplified procedure are shorter than the statutory timelines in the general civil/commercial procedure and they lead to a significantly shorter process overall.</p> <p>A case under simplified procedure must be resolved within 1 month after acceptance of the claim and this term cannot be extended (Art. 267-1.2 of the CPC) while in the general civil procedure claims are resolved within 2-3 months and this term may be extended (Art. 183 of the CPC).</p>
4.2.2.	Simplified evidentiary rules	1	Evidentiary rules in the simplified procedure are the same as the evidentiary rules in the general civil/commercial procedure (Art. 267-1 of the CPC).
4.2.3.	Simplified rules on hearings	3	<p>The rules on hearings in the simplified procedure as compared to the general civil/commercial procedure are simplified in the following way: a hearing can be avoided altogether, and the case can be decided based only on the written submissions of the parties.</p> <p>The court considers the case in simplified proceedings in electronic format and without summoning the parties (Art. 267-3.5 of the CPC).</p>
4.2.4.	Special rules on encouraging conciliation or mediation	1	There are no special rules or practices that encourage conciliation or mediation in the framework of simplified litigation as compared to general litigation.
4.2.5.	Simplified content of the judgment	3	<p>There is a rule allowing the court to simplify the judgment in low-value cases and in practice it is significantly simplified as compared to the judgment in the general civil/commercial procedure.</p> <p>In simplified proceedings, the court's judgment consists of an introductory and declaratory parts (Art. 267-4.1 of the CPC). While in the general civil/commercial procedure a judgment contains also a reasoning for the court's judgment.</p>

4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	3	<p>(1) The CPC provides for two procedures for appealing against a court decision rendered in simplified proceedings: (1) applying for cancellation of the decision (Art.267-4.2 of the CPC) to the first instance court; and (2) filing an appeal complaint against the decision with an appellate court (Art. 267-4.4 of the CPC). <b>Application for cancellation.</b> A respondent has the right to apply to the first instance court that rendered the decision in simplified proceedings for cancellation of this decision within five working days from the date of receipt of a copy of the decision of the court. The application shall be filed on narrow grounds, i.e. if the respondent (1) has not been duly notified of the receipt of the claim and its consideration in simplified proceedings and (2) has not been able to provide a response, as well as evidence that may affect the content of the decision (Art. 267-4.2 of the CPC).</p> <p>(2) <b>Appeal complaint.</b> An appeal may be filed with the appellate court against the judgment upon the expiration of the time limit for filing an application for cancellation of that judgment, or, if an application [for cancellation] has been filed, within one month after the court has issued its ruling denying that application (Art. 267-4.4 of the CPC). An appellate complaint is considered by a single judge (instead of a normal panel of three judges). The CPC does not limit the grounds on which a decision issued in a simplified procedure can be appealed to the appellate court.</p> <p>A score of 3 is assigned because of the limited grounds for appeal and because the appellate case is considered by a single-judge panel as opposed to the usual 3-judge panel.</p>
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## Contact

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