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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**KYRGYZSTAN**

**DRAFT LAW ON AMENDMENTS TO THE LAW OF  
THE KYRGYZ REPUBLIC  
“ON REGULATORY LEGAL ACTS OF THE KYRGYZ REPUBLIC”  
AND  
THE EXPLANATORY NOTE**

*Unofficial translation*

**LAW OF THE KYRGYZ REPUBLIC**  
**On amendments to the Law of the Kyrgyz Republic**  
**“On regulatory legal acts of the Kyrgyz Republic”**

**Article 1**

Make the following changes to the Law of the Kyrgyz Republic “On normative legal acts of the Kyrgyz Republic” (Gazette of the Jogorku Kenesh of the Kyrgyz Republic, 2009, No. 7, Art. 751):

1) in part 1 of article 4:

A) in paragraph two, replace the words “having supreme legal force” with the words “having supreme legal force, direct effect”;

b) paragraph seven after the word “Constitution” is supplemented with the words “laws”;

c) paragraph eight should be stated as follows:

“a resolution of the Cabinet of Ministers of the Kyrgyz Republic is a normative legal act adopted by the Cabinet of Ministers of the Kyrgyz Republic (hereinafter referred to as the Cabinet of Ministers), on the basis of and in pursuance of normative legal acts having higher legal force, corresponding to the requirements specified in this Law;”;

G) in paragraph eleven, the words “and having binding legal force in the relevant territory” are replaced with the words “having binding legal force in the relevant territory, and meeting the requirements specified in this Law”;

2) in article 5:

a) in paragraph four, replace the word “Government” with the words “Cabinet of Ministers”;

b) in paragraph six in the official language, delete the word “electoral”;

3) in article 6:

a) in part 1:

- in paragraph eight, the word “Government” should be replaced with the words “Cabinet of Ministers”;

- paragraph ten after the words “state bodies” should be supplemented with the words “and local government bodies”;

b) in part 3 the words “except for the cases provided for in part 4 of this article” should be deleted;

c) part 4 is declared invalid;

4) in paragraph one of part 2 of article 10, part 5 of article 20, article 21, part 2 of article 29, replace the word “Government” in various cases with the words “Cabinet of Ministers” in the corresponding cases;

5) Article 18 should be stated as follows:

“Article 18. Features of planning legislative activity

1. The Cabinet of Ministers annually develops and approves a plan for legislative work for the sessional period of the Jogorku Kenesh.

2. When developing draft plans for legislative work, national and national programs, state program and strategic documents approved by the President and the Cabinet of Ministers, addresses and statements of the President, proposals of deputies of the Jogorku Kenesh, government bodies, the People's Kurultai, scientific institutions, representatives of civil society, and also the results of monitoring and evaluation of current legislation.

3. Regulatory legal acts can be prepared outside the legislative work plan.”;

6) Part 1 of Article 19 should be stated as follows:

"1. Draft regulatory legal acts aimed at regulating business activities, with the exception of cases of regulating business activities in circumstances of force majeure and temporary regulatory legal acts for a period of less than one year, as well as aimed at achieving and maintaining price stability, implementing monetary policy, ensuring efficiency, security and reliability of the banking and payment systems are subject to regulatory impact analysis in accordance with the methodology approved by the Cabinet of Ministers.”;

7) Articles 22, 23 shall be stated as follows:

“Article 22. Organization public discussions

1. Draft normative legal acts that directly affect the rights, freedoms, obligations of citizens and legal entities, introducing new regulation of public relations, as well as draft normative legal acts regulating business activities, are subject to public discussion.

Public discussion is carried out by posting the project on the Unified Portal public discussion of draft regulatory legal acts (hereinafter referred to as the Unified Portal).

Organizer public discussion ensures consideration of received comments and proposals.

The procedure for placement and completion of the procedure public discussion of draft regulatory legal acts on the Unified Portal is determined by the Cabinet of Ministers.

2. The requirements of Part 1 of this article do not apply to draft normative legal acts arising from the decision of the Constitutional Court, providing for amendments of an editorial and technical nature, regulating public relations in the field of defense and national security, protection of state secrets, military-technical cooperation, having temporary in nature, with a validity period of less than one year, and also aimed at achieving and maintaining price stability, implementing monetary policy, ensuring the efficiency, security and reliability of the banking and payment systems.

3. Financing of the costs of organizing and conducting a public discussion is carried out at the expense of the entity preparing the draft regulatory legal act, and other sources not prohibited by the legislation of the Kyrgyz Republic.

Article 23. Public discussion period

1. The period for public discussion of draft regulatory legal acts is no more than 20 calendar days.

2. In the case of organizing additional events aimed at increasing the effectiveness of public discussion, including consultation and expert discussions with the possibility of participants submitting comments and suggestions to the draft regulatory legal act, including information in the media, on the official website of the government body (official persons) or in other ways about carrying out these additional events, the period for public discussion may be reduced to ten calendar days.

3. The calculation of the period for public discussion begins on the day following the day of publication of the draft normative legal act.";

8) in part 2 of article 27:

a) paragraph two should be stated as follows:

“in relation to constitutional laws, codes, laws, decrees of the President, resolutions of the Cabinet of Ministers - the Presidential Administration;”;

b) paragraph four is declared invalid;

c) add the following paragraph:

“in relation to normative legal acts adopted within the framework of delegated rule-making powers - state bodies and local governments to which rule-making powers to adopt normative legal acts are delegated.”;

9) in article 28:

a) in part 3, the words “via the Internet” should be replaced with the words “via the Centralized Data Bank of Legal Information”;

b) part 4 should be stated as follows:

"4. The procedure for maintaining the State Register of Normative Legal Acts and the Centralized Data Bank of Legal Information is determined by the Cabinet of Ministers.”;

10) the second proposal of part 3 of Article 30 is declared invalid;

11) add Article 311 with the following content:

“Article 311. Legal regulation of public relations in pilot mode

1. In order to test the functioning of new social relations, the President or the Cabinet of Ministers has the right to introduce a pilot regulation project for a period of up to one year.

The procedure for carrying out the pilot regulation project is determined by the President or the Cabinet of Ministers.

2. If the pilot regulation project is successfully implemented, the President or the Cabinet of Ministers may adopt the corresponding regulatory legal act or initiate changes to the regulatory legal acts.

3. Temporary regulation of new social relations in the field of provision of banking and payment services is regulated by the constitutional Law of the Kyrgyz Republic “On the National Bank of the Kyrgyz Republic.”;

12) in Part 4 of Article 331, replace the word “by the Government” with the words “by the rule-making body (official) that adopted (issued) the normative legal act.”

## **Article 2**

1. This Law comes into force after 15 days from the date of official publication.

2. The Cabinet of Ministers of the Kyrgyz Republic, within three months, bring its decisions in accordance with this Law and take the necessary measures arising from this Law.

3. Recommend that other state bodies and local self-government bodies, no later than three months, bring their decisions into compliance with this Law and take the necessary measures arising from this Law.

*Unofficial translation*

**Justification reference**  
**to the draft Law of the Kyrgyz Republic “On Amendments to the Law of the Kyrgyz Republic “On Regulatory Legal Acts” Kyrgyz Republic”**

This draft Law was developed in order to eliminate existing contradictions and problems in the law enforcement practice of rule-making activities of state bodies and local governments and is aimed at improving the quality of adopted regulatory legal acts.

1. The changes proposed in Articles 4, 5, 6, 10, 20, 21 of the Law are of a clarifying nature and are aimed at updating the names of the structures of the public administration system and bringing them into accordance with the requirements of the Constitution

2. It is proposed to invalidate Part 4 of Article 6 of the above law, due to its inapplicability today. Thus, this part regulated the issues of resolving contradictions between the texts in the state and official languages of the Constitution as amended on June 27, 2010, which today has lost its force in accordance with the Law “On the Constitution of the Kyrgyz Republic” dated May 5, 2021 No. 59.

3. Amendments are proposed to Article 18 of the Law related to planning the legislative work of the Cabinet of Ministers. Thus, the current norm assumes that the Cabinet of Ministers annually approves the Plan of Legislative Work of the Cabinet of Ministers. Such a plan until 2022 was approved at the beginning of the calendar year.

However, since the Plan of Legislative Work of the Cabinet of Ministers is a mechanism and tool for informing the Jogorku Kenesh about the planned legislative initiatives of the Cabinet of Ministers, as well as in order to eliminate duplication of the initiation of bills by various subjects of legislative initiative, it is proposed to form the Plan for the sessional period of the work of the Jogorku Kenesh.

4. The current version of Article 22 of the Law “On Regulatory Legal Acts of the Kyrgyz Republic” states that draft regulatory legal acts directly affecting the interests of citizens and legal entities, as well as draft regulatory legal acts regulating business activities, except for draft regulatory legal acts arising from decisions of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic are subject to public discussion by posting on the official website of the rule-making body.

In accordance with this norm, today government bodies post draft regulatory legal acts on the websites of rule-making entities. That is, the public discussion system assumes the need to track the projects being discussed on various electronic platforms. In addition, the websites of rule-making entities do not have a feedback system for received comments and suggestions.

On November 21, 2017, the Kyrgyz Republic became the 75th country participating in the international Open Government initiative, within the framework of which the Action Plan was approved by Government Order No. 360-r dated

October 16, 2018. According to paragraph 18 of the Plan, the Government has committed itself to introducing a unified electronic platform for public discussion of draft legal acts, which provides for feedback from citizens and reflection of public opinion on draft legal acts.

In this regard, by Government Order No. 277-r dated August 17, 2020, a Unified portal for public discussion of draft legal acts was launched in pilot mode. Subsequently, by order of the Cabinet of Ministers of February 10, 2023 No. 45-r, the Unified portal for public discussion of draft legal acts – koomtalkuu.gov.kg is considered the website of the Cabinet of Ministers for public discussion of projects initiated by executive authorities.

Functionality of the Unified Portal:

- The portal solves the problem voiced by citizens with the inconvenience and difficulty of tracking law-making initiatives across multiple websites.

- The portal has a comprehensive search system and allows citizens to leave comments, recommendations, questions about projects, to which the initiators of draft regulations will have to give reasoned answers within a specified period. All discussions on the Portal are public, including responses from developers.

This bill proposes to establish that all draft regulatory legal acts must be posted on the Unified Portal. The proposed initiative will ensure the full participation of citizens in the discussion of draft regulatory legal acts on a single platform.

By way of information, we note that paragraph 1 of the Action Plan for the implementation of the Concept of Legal Policy for 2023-2026 mandates in the Law “On Regulatory Legal Acts of the Kyrgyz Republic” to provide for a norm obliging all subjects of rulemaking to ensure a procedure for public discussion of draft legal acts by posting them on the Unified portal.

In addition, at the proposal of the National Bank, it is proposed not to conduct public discussion on projects with a duration of less than one year and aimed at achieving and maintaining price stability, implementing monetary policy, ensuring the efficiency, security and reliability of the banking and payment systems.

Also, it is proposed not to conduct public discussion on draft normative legal acts arising from the decision of the Constitutional Court, regulating public relations in the field of defense and national security, protection of state secrets, military-technical cooperation, which are temporary in nature, valid for less than one year, and also aimed at achieving and maintaining price stability, implementing monetary policy, ensuring efficiency, security and reliability of banking and payment systems.

The above issues require immediate and prompt solutions.

5. Regarding amendments to Article 23 of the Law, we note that these amendments were prepared for the purpose of prompt decision-making.

6. Amendments to Articles 27, 28, 29 of the Law are of a clarifying nature and are also aimed at bringing them into compliance with the Constitution.

7. Article 31 of the Law is brought in accordance with the requirements of the Constitution. Article 97 of the Constitution establishes that the Constitutional Court gives the official interpretation of the Constitution. According to Articles 20

and 31 of the constitutional law “On the Constitutional Court of the Kyrgyz Republic”, entities have the right to appeal to the Constitutional Court for the official interpretation of the norms of the Constitution. In cases of interpretation of the Constitution, as well as those related to the request of a judge (judges), an act of the Constitutional Court must be issued within two months.

Taking into account the above, the bill proposes appropriate amendments to Article 31 of the Law.

8. The innovation of the proposed bill is the introduction of the institution of temporary regulation of public relations, in order to test the functioning of new social relations.

Thus, the proposed Article 311 of the draft Law proposes that in order to test the functioning of new social relations, the President or the Cabinet of Ministers has the right to introduce a pilot regulation project (“sandbox” mode) for a period of up to one year.

It is assumed that the pilot regulation project is a new legal regime - “sandboxes” for the implementation of innovative solutions and technologies that are not subject to regulation by current legislation.

Approbation and piloting of the project are necessary to ensure that new ideas and products are implemented more quickly, but without causing harm to consumers.

The purpose of the proposed amendment is:

- 1) establishing real and acceptable requirements for the pilot use of services/technologies, including innovative ones;
- 2) eliminating legal and economic risks for project participants;
- 3) simplification and acceleration of the introduction of available services.

At the same time, more detailed mechanisms for introducing pilot regulation of the issue will be determined by a decision of the Cabinet of Ministers.

At the same time, when introducing a pilot regulation project, it is not allowed to grant additional preferential rights to one entity.

9. Based on the results of the analysis of the current norms of national and international legislation, it was established that the norms of the presented bill do not contradict the current regulatory legal acts, and the project is not subject to regulatory impact analysis, since it is not aimed at regulating business activities.

If this bill is adopted, there will be a need to develop a number of by-laws Cabinet of Ministers arising from the Law.

In accordance with the requirements of Article 22 of the Law “On Regulatory Legal Acts of the Kyrgyz Republic” this project was posted on the Unified Portal for public discussion on April 26, 2024.

At the same time, we inform you that the adoption of the designated project will not entail negative legal, human rights, social, economic, corruption, or gender consequences.

Additionally, we note that the adoption of this bill will not require additional financial costs from the state budget.