



Strasbourg, 28 May 2024

CDL-REF(2024)025

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

KYRGYZSTAN

LAW OF THE KYRGYZ REPUBLIC

ON NORMATIVE LEGAL ACTS

WITH AMENDMENTS

Chapter 1 General provisions

Article 1: Scope of this Law

1. This Law defines the principles of normative legal acts, establishes the concepts and types of normative legal acts, their correlation with each other, the procedure for their preparation, adoption, publication, as well as the rules of their validity, interpretation and resolution of conflicts.

2. The norms of legislation contained in other laws and other normative legal acts and relating to the scope of this Law shall be consistent with this Law. In case of conflicts between this Law and other laws, the norms of this Law shall apply.

Article 2: Basic concepts applied in this Law

The following basic terms, concepts and their definitions shall apply in this Law:

legislation - a set of normative legal acts regulating social relations;

conflict of normative legal acts - contradiction (inconsistency) between normative legal acts regulating the same social relations;

normative legal activity - scientific and organisational activity on preparation, examination, adoption (issuance), amendment, supplement, interpretation, suspension, invalidation or cancellation of normative legal acts;

normative legal body (official) - a state body (official), local government body authorised to adopt (issue) normative legal acts;

normative legal act - an official document of the established form, adopted (issued) within the competence of an authorised state body (official), local government body or by referendum, aimed at establishing, amending or cancelling norms of law (legal norms);

normative technique - a system of rules for the preparation of drafts of normative legal acts;

gaps in legislation - absence of norms of law (legal norms), the necessity of which is conditioned by the essence and content of the current legal system of the state, principles and norms of international law;

norm of law (legal norm) - generally binding rules of behaviour intended for an indefinite number of persons and repeated application;

legal force of a normative legal act - a characteristic of a normative legal act that determines the binding nature of its application to relevant social relations, as well as its subordination to other normative legal acts.

Article 3: Principles of standard-setting activity

Standard-setting activities shall be carried out on the following principles:

observance of the rights, freedoms and legitimate interests of citizens and legal entities;

legality;

validity;

expediency;
fairness;
transparency,
accessibility of the language of the normative legal act.

(Edited by the Law of the Kyrgyz Republic No. 17 of 14 February 2013)

Article 4: Types of normative legal acts

1. Normative legal acts shall be divided into the following types:

The Constitution is a normative legal act that has supreme legal force, direct effect ~~supreme legal force~~ and enshrines the fundamental principles and norms of legal regulation of the most important social relations, creating a legal basis for the adoption of laws and other normative legal acts;

constitutional law - a normative legal act adopted by the Jogorku Kenesh of the Kyrgyz Republic (hereinafter referred to as the Jogorku Kenesh) in accordance with the procedure established by the Constitution of the Kyrgyz Republic (hereinafter referred to as the Constitution) and on issues determined by it;

code - a normative legal act providing systematic regulation of homogeneous social relations;

law - a normative legal act adopted by the Jogorku Kenesh in accordance with the established procedure and regulating the most important social relations in the relevant sphere;

Decree of the President of the Kyrgyz Republic - a normative legal act issued by the President of the Kyrgyz Republic (hereinafter - the President) and complying with the requirements specified in this Law;

Resolution of the Jogorku Kenesh is a normative legal act adopted by the Jogorku Kenesh on issues referred to its jurisdiction by the Constitution, laws and complying with the requirements specified in this Law;

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~~Resolution of the Government of the Kyrgyz Republic - a normative legal act adopted by the Government of the Kyrgyz Republic (hereinafter referred to as the Government) on the basis of and in pursuance of normative legal acts having a higher legal force, meeting the requirements specified in this Law;~~

Resolution of the National Bank of the Kyrgyz Republic (hereinafter referred to as the National Bank) - a regulatory legal act adopted by the Board of the National Bank on the basis of and in pursuance of regulatory legal acts having higher legal force, within its competence, and complying with the requirements specified in this Law;

Resolution of the Central Commission for Elections and Referendums of the Kyrgyz Republic - a normative legal act adopted by the Central Commission for Elections and Referendums of the Kyrgyz Republic (hereinafter referred to as the Central Commission for Elections and Referendums) on the basis of and in pursuance of normative legal acts having higher legal force within its competence, and complying with the requirements specified in this Law;

resolutions of representative bodies of local self-government normative legal acts adopted on the basis of and in pursuance of normative legal acts of higher force within the competence of representative bodies of local self-government, for the purpose of resolving issues of local significance, and having binding legal force in the relevant territory, and meeting the requirements specified in this Law~~having binding legal force in the respective territory.~~

(2) Acts of other titles (instructions, regulations, rules and others) shall be approved by normative legal acts stipulated by this Law.

(As amended by Law No. 131 of the KR dated 11 July 2013)

Article 5: Norm-setting bodies (officials)

The following normative legal acts are vested with the right to adopt (issue) normative legal acts:

President;

Jogorku Kenesh;

Cabinet of Ministers~~Gov~~;

National Bank;

Central Election Commission for Elections and Referendums;

representative bodies of local self-government.

Chapter 2 Effect of regulatory legal acts

Article 6: Hierarchy of normative legal acts

1. Regulatory legal acts shall be arranged in the following hierarchy by the degree of legal force:

Constitution, a law amending and supplementing the Constitution;

constitutional law;

Code;

the law;

Presidential Decree;

Resolution of the Jogorku Kenesh;

Cabinet of Ministers~~Government Decree~~;

acts of the National Bank, the Central Commission for Elections and Referenda;

normative legal acts of state bodies and local government bodies authorised to issue normative legal acts, in accordance with the acts of delegation of normative powers;

normative legal acts of representative bodies of local self-government.

2. A normative legal act shall not contradict a normative legal act having higher legal force in comparison with it.

3. In case of discrepancy between the text of the Constitution and other normative legal acts of the Kyrgyz Republic in the state language and the text in the official language, the text in the state language shall be considered the original, ~~except for the cases provided for in Part 4 of this Article.~~

~~4. In cases of discrepancy between the text of the Constitution in the state language and the text in the official language set out in:~~

~~- paragraph two of part 4 of article 2;~~

- ~~- paragraphs three and four of part 2 of article 12;~~
 - ~~- article 14, paragraph 4;~~
 - ~~- Article 18;~~
 - ~~- Article 19, paragraph 2;~~
 - ~~- paragraph two of part 2 of article 20;~~
 - ~~- article 52, paragraph 3;~~
 - ~~- article 64, paragraph 1, part 9;~~
 - ~~- article 73, paragraphs 5 and 7, part 3;~~
 - ~~- article 74, paragraph 4, part 2;~~
 - ~~- article 74, paragraph 7, part 4;~~
 - ~~- article 74, paragraph 5, part 5;~~
 - ~~- Article 86, paragraph 1;~~
 - ~~- article 89, paragraphs 5 and 6;~~
 - ~~- Article 90, paragraphs 1 and 2;~~
 - ~~- Article 95, paragraph two, part 7;~~
 - ~~- Article 97, paragraph 10;~~
 - ~~- article 99, paragraph 1;~~
 - ~~- Article 108;~~
 - ~~- Article 112, paragraph 1, the text in the official language shall be deemed to be the original.~~
- (As amended by Law No. 131 of the KR dated 11 July 2013)*

Article 7: Means of ensuring the legality of normative legal acts

The ways of ensuring the legality of normative legal acts are:

- adoption of a normative legal act in accordance with the established procedure;
- inclusion of a normative legal act in the State Register of Normative Legal Acts;
- official publication of the normative legal act;
- recognising a normative legal act as unconstitutional in accordance with the established procedure;
- invalidation of a normative legal act in accordance with the established procedure;
- cancellation of a normative legal act;
- suspension of a normative legal act;
- recognising the act as null and void.

Article 8: Delegation of normative powers

1. Rule-making bodies shall have the right to delegate their rule-making powers to relevant state bodies and local self-government bodies on issues under their jurisdiction.

Delegation of normative powers shall be carried out by means of adoption by the normative body of an act on delegation of normative powers.

Delegation of normative powers in the sphere of regulation of entrepreneurial activity is not allowed.

2. The act of delegation shall specify to which authority the power is delegated, the specific delegated power, the duration of delegation, and the type of act by which the delegated power may be exercised.

(3) A body to which a power has been delegated may not delegate it to another body.

(4) When issuing a normative legal act in the exercise of delegated power, the Authority shall refer to the act of the rule-making body which delegated the relevant power to it.

(Edited by the Law of the Kyrgyz Republic No. 112 dated 7 July 2014)

Article 9: Validity of a normative legal act

1. Regulatory legal acts shall be effective throughout the Kyrgyz Republic from the date of their entry into force and shall be subject to execution.

Normative legal acts of representative bodies of local self-government shall be effective on the relevant territory from the date of their entry into force and shall be subject to execution.

2. A normative legal act shall be valid indefinitely, unless otherwise provided for in the act itself or in the act on its enactment.

3. The term of validity may be established for the whole normative legal act or its separate structural element. Before the expiry of the term of validity of a normative legal act, the body that issued the act may extend the act for a new term or make it open-ended.

4. A normative legal act or its separate structural element may be suspended for a certain period of time. Suspension of a normative legal act or its separate structural element shall be carried out by a separate normative legal act.

5. The effect of a normative legal act shall not extend to relations arisen before its enactment. Exceptions to this rule shall be cases when retroactive force of a normative legal act or its separate structural element is provided by itself or by the act on enactment of a normative legal act, as well as when liability for an offence provided for earlier is eliminated or mitigated.

Normative legal acts that establish or increase liability, impose new obligations on citizens, legal entities or worsen their situation shall not have retroactive effect.

Article 10. Termination, cancellation of a normative legal act (structural element)

1. A normative legal act (structural element) shall cease to have effect in cases of:

expiry of the term for which the normative legal act was designed (structural element);

adoption of a new normative legal act, which contradicts the provisions of a previously adopted normative legal act (structural element) or which absorbs a normative legal act (structural element);

recognising a normative legal act (structural element) as unconstitutional or invalid in accordance with the procedure established by law;

recognition of a normative legal act (structural element) as invalid or suspension of the act (structural element) by the body that adopted the act or other authorised body.

2. The court decision on recognising a normative legal act or its structural element as unconstitutional or invalid shall be subject to official publication and shall be sent to state bodies in the manner determined by the Cabinet of Ministers ~~Government~~.

Recognition of a normative legal act, its structural element as unconstitutional or invalid shall entail cancellation of its validity or bringing such act (structural element) in compliance with a normative legal act having higher legal force by a normative legal body.

(3) Cancellation of a normative legal act as a whole or its structural element means that a normative legal act or its structural element ceases to be in force from the date of entry into force of the repealing normative legal act or its structural element.

4. Recognition of a normative legal act as a whole or its structural element as invalid shall mean that this normative legal act or its structural element shall cease to be effective from the date of entry into force of the normative legal act which recognises this act or its structural element as invalid, unless otherwise provided for in the act on recognition of invalidity.

Recognition of a normative legal act or its structural element as invalid does not entail any legal consequences for legal relations that arose prior to the recognition of a normative legal act or its structural element as invalid.

5. In case of cancellation or declaration of invalidity of a normative legal act or its structural element having higher legal force, normative legal acts or their structural elements based on the cancelled or declared invalid act shall also cease to have effect, unless otherwise provided for in the act of cancellation or declaration of invalidity.

6. Suspension of a normative legal act or its separate norms having higher legal force shall entail suspension of actions of normative legal acts or their separate norms based on the suspended act, unless otherwise provided for in the act of suspension.

Chapter 3 Legislative technique. Requirements for execution of a normative legal act

Article 11: General requirements for the form and structure of a normative legal act

1 The text of a normative legal act shall be presented in compliance with the norms of literary language and legal terminology. It is not allowed to use obsolete and polysemous words and expressions, epithets, metaphors, abbreviation of words. The text of an article (paragraph) shall not be repeated in other articles (paragraphs).

2. Normative legal acts shall be internally consistent, logically constructed and comply with the normative technique.

When presenting the text of a normative legal act, general provisions should be placed first, followed by specific provisions. Over-generalised or overly detailed wording should be avoided in the presentation of legal norms.

3 The titles of a normative legal act, part, section, subsection, chapter and article should be concise, clearly formulated and reflect their main content. Terms and concepts used in the text of a normative legal act shall be clear and unambiguous. If it is necessary to clarify terms and concepts used in a normative legal act, an article (paragraph) explaining their meaning shall be placed therein.

The title of a normative legal act providing for amendment and (or) addition may contain the title of the normative legal act to which the amendment and (or) addition is made, as well as a brief indication of the sphere of regulated public relations.

4. amendments and (or) additions shall be introduced in the main normative legal act. It is inadmissible to introduce amendments and (or) additions to the main normative legal act by introducing amendments and (or) additions to the normative legal act amending and (or) supplementing it.

5. The procedure for entry into force of a normative legal act and instructions to state bodies shall be set out in the form of final provisions.

6. Regulatory legal acts shall have the following requisites:
the state emblem of the Kyrgyz Republic;
indication of the type of act in accordance with Article 4 of this Law;
name denoting the subject of regulation of this normative legal act;
place and date of acceptance;
registration number;
signature of the person authorised to sign the relevant normative legal act;
stamped seal.

(As amended by Law No. 131 of the KR dated 11 July 2013)

Article 12. Structural elements of a normative legal act

1. Structural elements of a normative legal act shall be parts, sections, subsections, chapters, paragraphs, articles, parts of articles, points, subpoints and passages.

2. Preamble (introduction) - an independent, non-binding part of a normative legal act, containing information on the reasons, conditions and purposes of its adoption (issuance). Inclusion of normative prescriptions in the preamble is not allowed.

3. large normative legal acts (such as codes) are divided into parts.

A part of a normative legal act unites sections, is denoted by words and may have a name.

4. The section combines chapters that are similar in content.

Sections are identified by Roman numerals and should have a title, which should be written in capital letters in the centre of the page. Depending on the volume, sections may consist of subsections. Subsections shall be indicated by Arabic numerals and shall have a name, which shall be written in capital letters in the centre of the page following the numerals. It is not allowed to introduce the structural element "section" if there are no chapters in the normative legal act.

5. Articles (paragraphs) of normative legal acts, which are close in content, may be combined into chapters.

Chapters are identified by Arabic numerals and should have a title, which should be written in capital letters in the centre of the page.

Chapters of normative legal acts of large volume may be divided into paragraphs. Paragraphs are labelled with the sign "§" and have a serial number indicated by Arabic numerals.

6. The Constitution, constitutional laws, codes, laws consist of articles, other normative legal acts consist of clauses.

Articles (paragraphs) are the main structural elements of a normative legal act containing normative prescriptions.

Articles shall be titled, except for articles of laws amending and supplementing existing laws. Articles shall be labelled with Arabic numerals and shall consist of parts containing separate norms of law.

Parts of an article are identified by an Arabic numeral with a full stop and subdivided into paragraphs, indicated by Arabic numerals with a closing parenthesis.

Paragraphs are subdivided into subparagraphs, indicated by lowercase letters of the alphabet with a closing parenthesis.

Paragraphs of articles of the Constitution, paragraphs of other normative legal acts shall have no title, shall be designated by Arabic numerals with a dot and may consist of subparagraphs and (or) paragraphs, subparagraphs - of paragraphs. Subparagraphs are designated by Arabic numerals or letters of the alphabet with a closing parenthesis.

Passage - a part of an article, paragraph or subparagraph, representing a semantic unity, indented in the first line and beginning with a lowercase letter, except for the first paragraph of a part of an article (paragraph), which begins with a capital letter. Passages shall end with a semicolon (except for the last paragraph).

If the preceding passage of an article (paragraph) ends with a dot and by its semantic meaning requires continuation by a passage, such passage shall start with a capital letter.

A passage has no numerical or letter designation.

7. Numbering of sections, chapters, articles of the normative legal act shall be consecutive.

The numbering of subparagraphs in each paragraph, paragraphs in each chapter and the numbering of subsections in each section of the normative legal act is independent, not cross-cutting.

8. It is inadmissible to change the numbering of parts, sections, chapters, articles (paragraphs) of a normative legal act when making amendments and (or) additions to it and recognising structural elements of a normative legal act as invalid.

If additions are made at the end of a normative legal act, it is necessary to continue the existing numbering of parts, sections, chapters, articles, paragraphs.

If a normative legal act is supplemented with new structural elements at the junction of the existing ones, the new structural elements shall be additionally designated by numbers placed above the main numerical or letter designation.

9. Notes shall be included directly in the text of the structural element to which they refer.

10. Normative legal acts may have annexes in which various kinds of lists, tables, schedules, graphs, tariffs, maps, samples of forms, documents, schemes, etc. are placed.

If there are several annexes, they shall be numbered in Arabic numerals without the "No." sign. When referring to annexes in the text of the act, the sign "No." is also not indicated.

The legal force of a normative legal act and its annexes is the same.

The appendix designation shall be placed in the upper right corner of the page after the text of the normative legal act without indication of the registration number and date of signing of the act.

The name of the appendix should be placed in the centre of the page and printed in bold.

Article 13. Peculiarities of the structure of the code

1. Sections of a codified normative legal act (code) may be combined into general and special parts.

(2) The general part of a codified normative legal act (code) shall contain:

fundamental provisions (principles, definitions of concepts, basic institutions);

specialised regulatory provisions;

other initial normative provisions, which are characterised by a high degree of generality, stability and lay the legal basis for the use (application) of the norms of the special part.

3 The special part of a codified normative legal act (code) may contain norms that denote:

type and measure (rules) of possible and proper behaviour (legal rights and obligations);

type and measure of negative (adverse) consequences of possible violations of legal norms (legal liability).

Article 14: Use of special designations

1. Special designations in the form of drawings, abbreviations, emblems, geographical images, symbols and others may be used in the texts of normative legal acts.

2. Special designations used in a normative legal act shall be understood in the meaning in which they are used in the relevant special field.

Article 15. Abbreviations and generalised notions in normative legal acts

1. Use of abbreviated names of state bodies (organisations) is allowed only in cases when abbreviated names are official. At the first mentioning of an object in normative legal acts its full name shall be given, and in brackets shall be indicated the abbreviated name used in the text of the normative legal act in the future.

2. generalised concepts (words, word combinations) denoting state bodies (organisations) shall be used in normative legal acts only in those cases when any of the state bodies (organisations) to which the respective generalised concept applies is meant.

Article 16. Application of references in normative legal acts

1. References in a normative legal act to its structural elements, as well as to other normative legal acts and their structural elements shall be applied in cases when it is necessary to show mutual connection of norms or to avoid their duplication.

2. When applying the reference to the Constitution, the date of adoption and other details of the Constitution shall not be indicated.

3. When applying the reference to the code and law, the type and name of the normative legal act shall be indicated.

4. When a reference to another normative legal act or its structural element is applied, it shall be indicated:

type and name of the normative legal act;

date of adoption, registration number of the normative legal act.

In case of repeated application of references, except for the first reference to a normative legal act, its type and name shall be indicated.

5. Reference to a normative legal act or its structural element in the same normative legal act shall be made using the word "present".

Article 17. Procedure for introducing amendments, additions to a normative legal act, recognising it as invalid

1. Amendments and (or) additions introduced into normative legal acts shall be executed in the form of a new edition of a normative legal act (its structural element), if the number of amendments and (or) additions introduced into the current edition makes up more than half of the text of a normative legal act (its structural element) or if introduction of separate amendments and (or) additions is technically difficult for presentation or perception. When presenting the text of a normative legal act in a new version, the words "new version" shall not be used in the title of a normative legal act. When adopting a normative legal act in a new version, the current normative legal act shall be recognised as invalid at the same time.

In other cases, the text of a normative legal act is amended and (or) supplemented by deleting, supplementing or replacing individual words, sentences, figures.

2. Amendments and (or) additions to a normative legal act shall be made by the normative legal body (official) that adopted (issued) it by means of adoption (issuance) of a normative legal act of the same type.

3. Amendments and (or) additions to normative legal acts adopted by the results of the referendum shall be made in the manner prescribed by this Law, unless otherwise provided for by the constitutional law on referendum.

It is not allowed to introduce amendments and (or) additions to a normative legal act by introducing amendments and (or) additions to the normative legal act amending and (or) supplementing it.

4. In connection with the adoption of a normative legal act, all acts of the same or lesser legal force or their structural elements shall be recognised as invalid if they contradict normative legal prescriptions included in the new act, or are absorbed by it, or have actually lost their significance.

5. A normative legal act, its structural elements shall be recognised as invalid; words, figures and sentences shall be excluded.

6. When structural elements are recognised as invalid, recalculation of subsequent structural elements shall not be performed. An invalidated structural element shall be included in the calculation when subsequent amendments and (or) additions are made to this structural element.

7. When recognising a normative legal act invalid, all normative legal acts or their structural elements, which introduced amendments and (or) additions to this act, shall be submitted for invalidation at the same time.

8. In case a normative legal act recognises as invalid another normative legal act or its structural element, which provided for the invalidation of previously adopted normative legal acts, the latter shall not resume their effect.

Chapter 4 Standard-setting activities

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 statewide 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 shall be considered.

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

Article 18. Peculiarities of planning of lawmaking activities

-

~~1. The Government shall annually develop and approve a plan of legislative work.~~

~~2. When developing draft plans of legislative work, appeals and statements of the President, proposals of deputies of the Jogorku Kenesh, interested bodies, scientific institutions, representatives of civil society, as well as the results of monitoring and evaluation of the current legislation in accordance with the procedure determined by the Government shall be taken into account.~~

(3) Normative legal acts may be prepared outside the plan of legislative work.

(Edited by the Law of the Kyrgyz Republic No. 35 dated 18 February 2014)

Article 19: Analysis of the regulatory impact of a draft normative legal act

11. 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. ~~Draft regulatory legal acts aimed at regulating entrepreneurial activity, except for cases of regulation of entrepreneurial activity under force majeure circumstances, shall be subject to regulatory impact analysis in accordance with the methodology approved by the Government.~~

2 Regulatory impact analysis is carried out and provided by the developer of the normative legal act.

3. A draft regulatory legal act shall be subject to rejection if the developer fails to provide justification prepared on the basis of regulatory impact analysis.

(As amended by the Law of the Kyrgyz Republic No. 33 of 3 April 2020)

Article 20. Carrying out legal and other scientific expertise of a draft normative legal act

1. Draft normative legal acts on the issues of ensuring constitutional rights, freedoms and duties of citizens; legal status of public associations, mass media; state budget, tax system; environmental security; combating offences; introduction of new types of state regulation of entrepreneurial activity shall be subject to legal, human rights, gender, environmental, anti-corruption and other scientific expertise (depending on the legal relations, the regulation of which is directed at

2. The objectives of scientific expertise are:

assessment of the quality, validity and timeliness of the project, compliance of the project with the requirements of standard-setting techniques;

assessment of the project for compliance with the Constitution, constitutional laws, laws and international obligations of the Kyrgyz Republic;

determination of the possibilities of effectiveness of the normative legal act;

identification and assessment of social, economic, scientific, technical, environmental and other negative consequences of the adoption of the project as a normative legal act;

consideration of other tasks set when conducting scientific expertise.

3. For carrying out an independent scientific expertise of drafts of normative legal acts specified in part 1 of this Article, the rule-making body may invite scientists and specialists from other states. A draft may be sent for scientific expertise to an international organisation.

4. Persons who were not directly involved in the preparation of a draft normative legal act shall be involved as experts.

5. Accreditation of independent experts (individuals and legal entities) for the right to carry out specialised types of expertise shall be carried out by the authorised state body in the field of accreditation determined by the Cabinet of Ministers ~~Government~~.

The procedure for accreditation of independent experts (individuals and legal entities) for the right to carry out specialised types of expert examinations of draft normative legal acts shall be established by the Cabinet of Ministers~~Government~~.

(Edited by the Law of the Kyrgyz Republic No. 47 of 14 March 2014)

Article 21. Approval of a draft normative legal act

1. Draft normative legal acts before their submission to the President and the Cabinet of Ministers~~Government~~ are subject to mandatory coordination with the Ministry of Justice of the Kyrgyz Republic on issues providing for reduction of revenues or increase in expenditures of the state - with the Ministry of Finance of the Kyrgyz Republic, aimed at regulating the activities of business entities - with the authorised state body for entrepreneurship development, with other state bodies, if the normative legal act contains norms relating to their competence and with associations, unions of local self-government bodies in the preparation of draft regulatory legal acts directly affecting the interests of local communities and local self-government bodies.

2. *(As amended by Law No. 115 of the KR dated 8 August 2019)*

Article 22. Organization of 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 of the 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.

Article 22. Organisation of public discussion

~~1. Draft normative legal acts directly affecting the interests of citizens and legal entities, as well as draft normative legal acts regulating entrepreneurial activity, except for draft normative legal acts arising from the decision of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic, shall be subject to public discussion by posting on the official website of the normative body. By decision of the normative and creative body, in case the normative and creative body does not have an official website, as well as in cases stipulated by law, draft normative and legal acts shall be published in mass media.~~

~~By decision of a representative body of local self-government, draft regulatory legal acts of representative bodies of local self-government may be posted in special places of review (boards, stands) determined by the representative body of local self-government.~~

~~2 Public discussion of a draft normative legal act shall be ensured by the rule-making body by means of:~~

~~ensuring access to the text of the draft normative legal act;~~

~~acceptance, consideration and generalisation of proposals coming from participants of public discussion;~~

~~preparation, based on the results of public discussion, of final information on the proposals received with justification of the reasons for their inclusion or non-inclusion in the draft normative legal act. The final information shall be reflected in the statement of justification to the draft normative legal act.~~

~~3. The subject of normative activity is obliged to make public information relevant to the subject of discussion, including:~~

~~text of the draft normative legal act;~~

~~justification of the necessity to adopt a normative legal act;~~

~~list of persons and organisations that participated in the development, as well as with whom the draft normative legal act was previously agreed;~~

~~financial and economic calculations, conclusions of expert examinations;~~

~~Statistical data;~~

~~information on monitoring and evaluation of legislation in the sphere of public relations that will be regulated by the developed draft normative legal act;~~

~~forecast of possible social, economic, legal and other consequences of the prepared normative legal act;~~

~~contact details of the entity that prepared the draft regulatory legal act (address, including electronic address, telephone numbers that receive fax messages), as well as the surname, name and contact details of the implementer responsible for receiving proposals and comments;~~

~~other information necessary for substantiation of the draft normative legal act, except for information containing state or other secret protected by law.~~

~~4. Financing of the costs of organising and conducting a public discussion shall be carried out at the expense of the entity preparing the draft normative legal act and other sources not prohibited by the legislation of the Kyrgyz Republic.~~

~~(As amended by Laws of the Kyrgyz Republic No. 131 of 11 July 2013, No. 35 of 18 February 2014, No. 137 of 20 July 2017, No. 115 of 8 August 2019)~~

-

Article 23. Term of public discussion

-

~~1. The term of public discussion of draft normative legal acts shall be at least one month, except for draft normative legal acts aimed at regulating the rights of citizens and legal entities under force majeure circumstances.~~

~~2. The calculation of the term of public discussion starts from the day following the day of promulgation of the draft normative legal act.~~

~~(As amended by Laws of the Kyrgyz Republic No. 23 of 13 May 2011, No. 33 of 3 April 2020)~~

Article 24. Submission of a draft normative legal act to the subject having the right to adopt a normative legal act

1. To the draft normative legal act submitted to the subject having the right to adopt a normative legal act shall be attached:

cover letter;

certificate of justification;

comparative table (in case of amendments and (or) additions to a normative legal act or a new edition);

documents containing information on approval of the draft normative legal act - if necessary;

expert opinions prepared as a result of expert examinations - if necessary.

2. If for the application of a normative legal act it is necessary to make amendments and additions to other normative legal acts, the drafts of normative legal acts with the specified amendments and additions shall be attached to the submitted draft of the normative legal act.

3. A draft normative legal act shall be submitted simultaneously on paper and electronic format in the state and official languages, with the exception of a draft normative legal act of a representative body of local self-government, which has taken a decision on the admissibility of submitting for consideration a draft normative legal act exclusively in the state language.

(4) Other issues of the procedure for introducing a draft normative legal act shall be determined by the relevant entity with the right to adopt a normative legal act.

5. A draft of a normative legal act submitted for consideration with violation of requirements of this Article shall be returned without consideration. After elimination of violations the draft shall be submitted for consideration in accordance with the established procedure.

(Edited by the Law of the Kyrgyz Republic No. 30 of 22 February 2013)

See Decision of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic of 2013 28 November No. 12-p

Article 25: Basic requirements to the background of a draft normative legal act

The certificate of justification of a draft normative legal act shall contain the following information:

goals and objectives that are expected to be achieved or solved as a result of the adoption of the normative legal act;

analysis of the normative legal base in force at the time of development of the draft normative legal act, information on monitoring and evaluation of the legislation in force in the given sphere of public relations;

forecasts of possible social, economic, legal, human rights, gender, environmental, corruption consequences of the adopted normative legal act;

information on the results of the public discussion when it should be held;

analysing the compliance of the draft regulatory legal act with the legislation;

results of consultations and discussions with relevant associations, unions of local self-government bodies, if the draft regulatory legal act directly affects the interests of local communities and local self-government bodies;

availability of its sources of funding.

(As amended by Laws of the Kyrgyz Republic No. 35 of 18 February 2014, No. 115 of 8 August 2019)

Article 26. Adoption of a draft normative legal act

1. Unless otherwise provided for in the Constitution, normative legal acts shall be adopted by the rule-making body in accordance with the procedure established by this Law and other normative legal acts adopted in accordance with this Law.

Normative legal acts, the implementation of which entails financing from the state budget, shall not be adopted until the source of financing is determined.

1-1. Normative legal acts shall be adopted in the state and official languages.

Normative legal acts of representative bodies of local self-government may be adopted exclusively in the state language, provided that a predominant number of persons who speak the state language reside in the territory of the relevant administrative-territorial unit and there is a relevant decision of the representative body of local self-government.

2. The rule-making body having the right to adopt a normative legal act based on the results of consideration of a draft normative legal act shall have the right:

adopt a normative legal act;

reject the project with reasons;

return the draft for revision, indicating their comments and suggestions.

(Edited by the Law of the Kyrgyz Republic No. 30 of 22 February 2013)

Article 27. Registration of normative legal acts

1. Adopted normative legal acts shall be subject to registration.
2. Registration shall be carried out:
 - with regard to constitutional laws, codes, laws and presidential decrees - the Presidential Administration;
 - in relation to constitutional laws, codes, laws, decrees of the President, resolutions of the Cabinet of Ministers - the Presidential Administration; in respect of resolutions of the Jogorku Kenesh - the Apparatus of the Jogorku Kenesh;
 - ~~in respect of Government resolutions - the Government Apparatus;~~
 - with regard to acts of the Central Commission for Elections and Referendums - the Central Commission for Elections and Referendums;
 - in respect of acts of the National Bank - the National Bank;
 - in respect of normative legal acts of representative bodies of local self-government - apparatuses of representative bodies of local self-government.
 - 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.

See *Decision of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic of 2013 28 November No. 12-p*

Article 28. State Register of Normative Legal Acts of the Kyrgyz Republic

1. Normative legal acts shall be included in the State Register of Normative Legal Acts of the Kyrgyz Republic (hereinafter - the State Register of Normative Legal Acts) within 7 working days from the date of official publication.
2. The State Register of Normative Legal Acts shall be maintained by the Ministry of Justice.
3. Dissemination of normative legal acts from the State Register of Normative Legal Acts shall be carried out free of charge ~~via~~ via the Centralized Data Bank of Legal Information ~~the Internet.~~
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. ~~The procedure for maintaining the State Register of Normative Legal Acts shall be determined by the Government.~~

See: *Regulations on the Procedure for Maintaining the State Register of Regulatory Legal Acts of the Kyrgyz Republic (approved by Resolution No. 743 of the Government of the Kyrgyz Republic dated 8 December 2009).*

5. A normative legal act not included in the State Register of Normative Legal Acts shall have no legal force.

(As amended by the Law of the Kyrgyz Republic No. 30 of 22 February 2013, No. 112 of 7 July 2014)

Article 29. Procedure for official publication of normative legal acts

1. Normative legal acts shall be subject to official publication.

2. The official publication of normative legal acts shall be understood as bringing them to public knowledge by reproducing the text of normative legal acts in a printed or electronic publication determined by the Cabinet of Ministers~~Government~~.

Normative legal acts of representative bodies of local self-government may be published in a printed or electronic publication determined by the Cabinet of Ministers~~Government~~ or in special places of review (boards, stands) determined by the representative body of local self-government.

(3) Normative legal acts shall be officially published in the state and official languages, except for normative legal acts of representative bodies of local self-government adopted in accordance with paragraph 1-1 of Article 26 of this Law, which shall be published in the language of adoption.

4. The date of official publication of a normative legal act shall be the date of publication of the edition in which the act is placed and the date of placement of the text of a normative legal act of representative bodies of local self-government in special places of review.

5. Incomplete official publication of normative legal acts is not allowed, except for normative legal acts containing state and (or) military secrets.

6. Information on publication shall be included in the State Register of Normative Legal Acts.

7. When issuing normative legal acts in other mass media, reference to the official source of the publication is mandatory.

8. Official publications of normative legal acts shall be used in law enforcement practice.

9. On normative legal acts imposing new obligations on citizens and legal entities, establishing or increasing liability, a normative legal body or a state body (official), whose competence includes issues affected by this normative legal act, shall necessarily conduct information and explanatory work.

See Decision of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic of 2013 28 November No. 12-p

(As amended by Laws of the Kyrgyz Republic No. 195 of 7 December 2012, No. 30 of 22 February 2013, No. 224 of 29 December 2016, No. 115 of 8 August 2019)

Article 30. Entry into force (application) of normative legal acts

(1) Official publication of normative legal acts is a mandatory condition for their entry into force.

2. The law shall come into force upon expiry of ten days from the date of its official publication, unless otherwise provided for in the law itself or in the law on the procedure for its enactment.

3. Other normative legal acts shall come into force upon the expiration of fifteen days from the date of official publication, unless otherwise provided for in the normative legal act itself. ~~Normative legal acts regulating entrepreneurial activity shall come into force not earlier than fifteen days from the date of official publication.~~

(As amended by Law No. 23 of 13 May 2011 of the Kyrgyz Republic)

Chapter 5 Implementation of normative legal acts

Article 31. Official interpretation (clarification)

In case of detection of ambiguities in normative legal acts, incorrect or contradictory practice of their application, an official interpretation (explanation) shall be given.

(2) Official interpretation (explanation) of a normative legal act or its structural element, except for the Constitution, shall be carried out by a normative legal body or an official who has adopted or issued this act, by means of adoption of a normative legal act.

3. The official interpretation explains or clarifies the content of norms, determines their place in the system of legislation, as well as functional and other relations with other norms regulating various aspects of the same type of social relations.

4. In the process of official interpretation of normative legal acts it shall not be allowed to make amendments and additions to them.

5. Norms of laws shall be interpreted in full compliance with the provisions of the Constitution, and norms contained in other normative legal acts shall be interpreted in compliance with the Constitution, constitutional laws, codes and laws.

(As amended by Laws of the Kyrgyz Republic No. 22 of 19 February 2013, No. 131 of 11 July 2013)

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.

Article 32. Procedure for resolving conflicts

1. In case of conflict between normative legal acts, subjects of legal relations shall be guided by a normative legal act having higher legal force.

2. The norms of laws in cases of their discrepancy with the norms of codes may be applied only after the codes are amended accordingly.

3. In case of conflict between normative legal acts of equal legal force, and if none of them contradicts an act with higher legal force, the provisions of the act regulating the given sphere of legal relations shall apply.

4. Rule-making bodies shall be obliged to continuously monitor the existing normative legal acts within their competence in order to eliminate conflicts and gaps.

Article 33. Elimination of gaps and conflicts

When gaps and conflicts in normative legal acts are identified, normative legal bodies (officials), which have adopted them, shall make appropriate additions or amendments to them, eliminating gaps and conflicts.

(Edited by the Law of the Kyrgyz Republic No. 112 dated 7 July 2014)

Article 33-1. Monitoring and evaluation of the effectiveness of normative legal acts

1. Rule-making bodies shall permanently monitor and evaluate the normative legal acts adopted by them in order to identify their effectiveness and efficiency.

2. Independent experts and representatives of civil society shall be involved in the monitoring and evaluation of normative legal acts.

3. Information on monitoring and evaluation of normative legal acts, indicating low efficiency and effectiveness of their action, is the basis for introducing amendments and additions to normative legal acts or adopting new normative legal acts more effectively regulating the given sphere of public relations.

4. Monitoring and evaluation of normative legal acts shall be carried out in accordance with the procedure established by the by the rule-making body (official) that adopted (issued) the normative legal act. ~~Government.~~

(Edited by the Law of the Kyrgyz Republic No. 35 dated 18 February 2014)

Article 34. Control and supervision over the implementation of normative legal acts

1. Control over the implementation of normative legal acts shall be exercised by rule-making bodies (officials) that adopted (issued) them.

2. Supervision over the accurate and uniform implementation of normative legal acts shall be carried out by the prosecutor's office within the limits of its competence.

(Edited by the Law of the Kyrgyz Republic No. 112 dated 7 July 2014)

Article 35. Acts of prosecutor's reaction

(1) Acts of prosecutor's reaction to a normative legal act contradicting the Constitution, constitutional law, code, law shall be sent by the prosecutor or his deputy to the body that adopted the normative legal act.

(2) Acts of prosecutor's reaction may serve as grounds for suspension, cancellation or invalidation of a normative legal act or its structural element.

3. In case of rejection (disagreement) of the acts of prosecutor's reaction, the prosecutor has the right to appeal to the court.

Chapter 6 Final provisions

Article 36. Transitional provisions

1. Effective normative legal acts shall be included in the State Register of Normative Legal Acts within three months from the date of entry into force of this Law.

Normative legal acts, except for constitutional laws, codes, laws, decrees of the President, resolutions of the Jogorku Kenesh, the Government, the National Bank, the Central Commission

for Elections and Referendums, which are not included in the State Register of Normative Legal Acts within the terms established by the first paragraph of this part, shall cease to have effect and shall not be applied.

2. Normative legal acts adopted (issued) by state bodies, which are not normative and creative bodies according to the present Law, shall be valid until 31 December 2010 on condition of their state registration in justice bodies before the entry into force of the present Law.

It is prohibited to make amendments and additions to normative legal acts adopted (issued) by state bodies, which are not normative legal bodies according to this Law.

(3) Normative legal acts of the Union of Soviet Socialist Republics shall be applied in the territory of the Kyrgyz Republic until 31 December 2009 to the extent that they do not contradict the legislation of the Kyrgyz Republic.

Article 37. Entry into force of this Law

1. The present Law shall come into force from the day of its official publication.

2. To recognise as null and void:

The Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 1996, No. 7, Art. 101);

Article 1, paragraph 1 of the Law of the Kyrgyz Republic "On Amendments and Additions to Certain Legislative Acts of the Kyrgyz Republic in connection with the adoption of the Law of the Kyrgyz Republic "On the Government of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 1997, No. 12, Art. 573);

Article 2 of the Law of the Kyrgyz Republic "On Amendments and Additions to Certain Legislative Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 1998, No. 10, Article 376);

Law of the Kyrgyz Republic "On Amendments to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 1999, No. 11, Art. 455);

Article 2 of the Law of the Kyrgyz Republic "On Amendments to Certain Legislative Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 1999, No. 12, Art. 537);

Article 4 of the Law of the Kyrgyz Republic "On Amendments and Additions to Certain Legislative Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2000, No. 4, Art. 171);

Law of the Kyrgyz Republic "On Amendments to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2002, No. 2, Art. 39);

Article 2 of the Law of the Kyrgyz Republic "On Amendments and Additions to Certain Legislative Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2002, No. 9, Art. 418);

Article 1 of the Law of the Kyrgyz Republic "On Amendments and Additions to Certain Legislative Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2003, No. 11, Article 507);

Law of the Kyrgyz Republic "On Amendments to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2004, No. 11, Art. 496);

The Law of the Kyrgyz Republic "On Amendments and Additions to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2005, No. 9, Art. 629);

Law of the Kyrgyz Republic "On Amendments and Additions to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Erkin Too newspaper, 18 August 2006, No. 61);

Law of the Kyrgyz Republic "On Amendments and Additions to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Erkin Too newspaper, 22 August 2006, No. 62);

The Law of the Kyrgyz Republic "On Amendments to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2007, No. 2, Article 144);

The Law of the Kyrgyz Republic "On Amendments and Additions to the Law of the Kyrgyz Republic "On Normative Legal Acts of the Kyrgyz Republic" (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2007, No. 2, Art. 150).

3. To the Government of the Kyrgyz Republic:

not later than within six months to take the necessary measures arising from this Act;

If necessary, make proposals to the Jogorku Kenesh of the Kyrgyz Republic on bringing legislative acts into compliance with the provisions of this Law.

President

Kyrgyz Republic

K. Bakiyev