



Latest amendments to Civil Procedure Code of Republic of Kazakhstan

Dear Friends, in this alert you can find the most significant changes introduced by a law signed by the President on 10 June 2020 “On amendments and additions to the Civil Procedure Code of the Republic of Kazakhstan on the implementation of modern formats of court operations, reduction of excessive judicial procedures and costs” (*the “Law”*).

Litigation proceedings

The Civil Procedure Code (“CPC”) section covering litigation has undergone significant changes.

Firstly, in addition to the requirements specified in CPC article 148, claims should now contain information in the form of supporting documentation about any reconciliation actions taken by the parties, if any. If the parties have not made any attempts at reconciliation, the court instigates conciliation proceedings at the application acceptance stage, which has been extended from 5 to 10 working days.

Secondly, plaintiffs are entitled to change the basis or subject of claims, increase or decrease the claim size or reject a claim, while the defendant is entitled to acknowledge a claim in whole or in part before the court retires to issue a ruling. Previously, plaintiffs and defendants could exercise these rights while preparing a case for trial or until the court retires to deliberate.

Thirdly, individuals participating in a case and their representatives can now use material and digital storage media during proceedings so as to make it easier to retrieve any necessary information on issues arising during a case, gain access to information and legal systems and Internet-resources; clarify notification and other circumstances relevant to the case, and record the hearing.

Fourthly, if proceedings are postponed, cases are considered from the start. However, if the parties do not insist on repeating all case participant pleas, the court can confirm them without repeating them and provide the opportunity to add to them and ask additional questions.

Courts are also now entitled to continue considering a case and/or issue a ruling outside of working hours taking into account the opinions of case participants.

If case participants fail to appear, a ruling does not have to be announced at the hearing.

Writ and simplified (written) proceedings

A number of changes have been made to the procedure for conducting writs and simplified proceedings.

Firstly, court rulings on writ proceedings are now issued electronically.

Secondly, the threshold claim value for consideration according to the simplified rules have changed:

- 1) for legal entities – from 700 MCI to 2,000 times the monthly calculation index (“MCI”) (KZT 5,556,000);
- 2) for individual entrepreneurs and individuals – from 200 to 1,000 MCI (KZT 2,778,000).

Court proceedings due to newly discovered or new circumstances

An application to revise a court ruling due to newly discovered or new circumstances will be deemed as accepted for court proceedings from the day it is received.

Based on an application to review a ruling, verdict or decision, a court issues a reasoned instruction to:

- 1) return the application on the grounds provided for in part 2 of article 463;
- 2) refuse to review the judicial act;
- 3) uphold the application and cancel the ruling, verdict or decision.

The following changes were also made:

- Electronic records are used for electronic court proceedings and be certified by the electronic signature of the secretary. Electronic records cannot be changed;
- Short records for complex cases may be accompanied by a text transcript of the audio recording generated by automatic text recognition.

The above changes entered into force on 21 June 2020.

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