



Legal alert

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Law On the Ratification of a Treaty between the Governments of the Republic of Kazakhstan and the Republic of Estonia on the Stimulation and Mutual Protection of Investments

According to the Treaty, each party will encourage and create favourable conditions for the other party's investors to invest in its territory in accordance with applicable legislation. To increase the mutual flow of investments between the countries, the parties to the Treaty will endeavour to inform each other about investment possibilities and opportunities.

In addition, each party, in its territory, is obliged to provide full protection and safety to investments made and revenue earned to the other party's investors.

The ratified Treaty also states that compensation should be paid to any investor whose investments have been expropriated. Compensation should represent the fair market price of the expropriated investments and should be paid without delay, effectively realised and easily transferred.

If investments made by one party's investors in the territory of the other are insured against non-commercial risks within the framework of a system set out by applicable legislation of the latter, any subrogation of the insurer that flows from the insurance contract should be recognised by the other side.

The Treaty will affect all investments, either made before or after it enters into force. However, the Agreement will not apply in relation to any investment dispute that arose before it was enforced.

The Treaty contains norms regarding expropriation and nationalisation, any compensation payable to investors and dispute resolution.

The law entered into force on 30 June 2014.

Law On Trade Unions № 211-V dated 27 June 2014

The Law regulates social relations arising as a consequence of citizens' realisation of their constitutional rights to organise themselves in, form, operate, re-organise and liquidate trade unions.

A trade union is defined by the Law as a public association with a fixed membership, created voluntarily on the basis of common labour, professional and industrial interests of Kazakhstan citizens to represent and protect its members' rights at work and other socio-economic interests.

Trade unions are formed on the basis of the equality of members' rights. The number of trade unions formed within one industry or organisation is unlimited.

All trade unions are given equal rights and opportunities.

Obstructing the formation of a trade union, performing actions directed against its activities, and any illegal intervention in its affairs are prohibited.

Trade unions are formed according to the production and industry principle.

Trade unions draft and approve their charters and structures independently, define their priorities, form trade union bodies, organise their activities, and hold meetings, conferences, congresses and other events not prohibited by Kazakhstan law.

Trade unions are independent from and do not report to any levels of government, political parties, employers or their associations. They are not controlled by or subordinate to any of the above entities.

Trade unions may unite into trade union associations, provided their actions comply with applicable laws.

Trade unions are obliged to amend their foundation documents and organisational structures in accordance with the Law within one year from the date of its entry into force.

The Law entered into force on 11 July 2014.

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