

On approval of Rules for receipt, registration and consideration of application for provision of investment preferences

Unofficial translation

Order No. 1281 of Acting Minister of Investments and Development of the Republic of Kazakhstan dated December 30, 2015, registered in the Ministry of Justice of the Republic of Kazakhstan under No. 12780 on December 31, 2015

Note by the Republican Center for Legal Information!
See order of enforcement in p.5

In accordance with paragraph 2 of article 293 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015, I hereby ORDER that:

1. The attached Rules for receipt, registration and consideration of application for provision of investment preferences (hereinafter – Rules) shall be approved.

2. Order No. 183 of the Minister of Industry and New Technologies of the Republic of Kazakhstan “On approval of Rules for receipt, registration and consideration of application for provision of investment preferences” (registered in the Register of state registration of laws and regulations under No. 7759, and published in newspaper “Kazakhstanskaya Pravda” No. 251-253 (27070-27072) on August 4, 2012) shall be declared to be no longer in force.

3. Investment Committee of the Ministry of Investments and Development of the Republic of Kazakhstan (E. K. Khairov) shall ensure:

1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;

2) sending of this order copy to the printed periodicals and information-legal system “Adilet”, for publication and to the Republican center for legal information for entry into Reference control bank of regulatory and legal acts of the Republic of Kazakhstan within ten business days after official registration of this order in the Ministry of Justice of the Republic of Kazakhstan;

3) this order posting on internet resource of the Ministry of Investments and Development of the Republic of Kazakhstan and intranet portal of public authorities;

4. Supervision over this order fulfillment shall be entrusted to supervising Vice-Minister of Investments and Development of the Republic of Kazakhstan.

5. This order shall be enforced upon its first official publication and cover relationship established since January 1, 2016, at that subparagraph 4) of paragraph 6 of these Rules shall remain till January 1, 2017.

*Acting Minister of Investments and Development
of the Republic of Kazakhstan*

Zh. Kassymbek

Approved by
Order No. 1281 of Acting Minister

Rules for receipt, registration and consideration of application for provision of investment preferences

1. General provisions

1. Present Rules for receipt, registration and consideration of application for provision of investment preferences (hereinafter – Rules) have been developed in accordance with paragraph 2 of article 293 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015 (hereinafter – Code) and establish procedures for receipt, registration and consideration of application for provision of investment preferences.

2. Notions used in these Rules are as follow:

1) applicant is legal entity of the Republic of Kazakhstan, having filed an application for provision of investment preferences;

2) authorized body for investments (hereinafter – authorized body) – public authority, established by the Government of the Republic of Kazakhstan in order to conclusion of investment contracts and control over their performance.

2. Procedure for receipt and registration of application for provision of investment preferences

3. Application for provision of investment preferences (hereinafter – application) shall be filed by the applicant to the authorized body in the form approved by Order No. 1133 of the Minister of Investments and Development of the Republic of Kazakhstan “On some issues concerning state support for investments’ dated November 30, 2015” (registered in the Register of state register of regulatory legal acts under No. 12572) with submission of documents, stipulated in paragraph 1 of article 292 of the Code.

Application shall be registered in administrative office of the authorized body on the date of filing, with assignment of registration number and date, and subsequent submission to the chief executive officer or its deputy.

4. On the day of application registration Director of the authorized body or its deputy shall transfer an application to the authorized body structural subdivision directly dealing with this application, considering for compliance to the requirements of the Code.

3. Consideration of application for provision of investment preferences

5. Application for provision of investment preferences shall be considered within twenty working days after its registration.

6. In considering application for provision of investment preferences, the structural subdivision of authorized body shall:

- 1) consider application for provision of investment preferences;
- 2) verify availability of documents specified in article 292 of the Code;
- 3) analyze the business plan of investment project in accordance with subparagraph 3) of paragraph 1 of article 292 of the Code;

Note of the Republican Center for Legal Information!
Subparagraph 4) shall be valid till 01.01.2017.

4) analyze tax clearance analysis, debt on obligatory pension contributions, obligatory professional pension contributions and social contributions;

5) be in close coordination with the state authorities and other persons in accordance with paragraph 2 of article 282 of the Code.

7. Based on the results of application consideration, the authorized body shall make a decision on provision or denial of investment preferences which decision shall be brought to the notice of the applicant in writing. Decision on denial of investment preferences shall be made on reasonable grounds.

8. Reasons for denial of investment preferences are:

- 1) applicant's failure to conform to the requirements, established by articles 285 and 286 of the Code;
- 2) failure to submit documents stipulated by article 292 of the Code.