



## On approval of the State of acquisition rights, the right to property under the contract of donation

### *Unofficial translation*

Resolution of the Government Republic of Kazakhstan on September 28, 2011 № 1103.

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Pursuant to paragraph 2 of Article 27 of the Law of the Republic of Kazakhstan “On State Property”, the Government of the Republic of Kazakhstan **RESOLVES**:

**Footnote. Preamble - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

1. To confirm the accompanying rules the acquisition by the state of property rights under the contract of donation.

2. To recognize as invalid:

1) paragraph 1 regulations of the Republic of Kazakhstan dated December 29, 2007 № 1371 "On approval of Rules of voluntary and gratuitous transfer of property from private ownership to the state" (SAPP of the Republic of Kazakhstan, 2007, № 50, Article 632.);

2) ruling The Republic of Kazakhstan dated February 25, 2010 № 124 "On Amendments to the Decree of the Republic of Kazakhstan dated December 29, 2007 № 1371" (SAPP of the Republic of Kazakhstan, 2010, № 18, Article 142.);

3) paragraph 14 changes that brought in some decisions of the Government of the Republic of Kazakhstan, approved by Resolution of the Government of the Republic of Kazakhstan from July 18, 2011 № 820 "On amendments to some decisions of the Government of the Republic of Kazakhstan".

3. This decision shall be enforced after ten calendar days after its first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. Masimov*

Approved  
Resolution of the Government  
Republic of Kazakhstan  
on September 28, 2011 № 1103

## Rules acquisition of rights to state property under a contract of donation Chapter 1. General provisions

**Footnote. The title of Chapter 1 - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

1. These rules of acquisition by the state of property rights under the contract of donation (hereinafter - the Rules) have been developed in order to streamline the state acquisition of rights to the property under the contract of donation and determine the appropriate procedure.

1-1. Basic concepts used in these Rules:

1) local executive body (akimat) - a collegial executive body headed by the akim of the oblast, city of republican status and the capital, district (city of oblast subordination), exercising, within its competence local administration and self-administration in the relevant territory;

2) title documents - documents on the basis of which rights (encumbrances of rights) to real estate arise, change and (or) terminate;

3) act of acceptance of the facility into operation - a document confirming the completion of construction of the facility in accordance with the approved design and state (interstate) standards and the full readiness of the facility for operation;

4) declaration of conformity - a document by which the contractor (general contractor) certifies the compliance of the work performed on the completed construction site with the approved design and the requirements of state (interstate) standards.

Other concepts and terms used in these Rules shall be applied in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 1 has been supplemented with paragraph 1-1 pursuant to the Resolution of the Government of the Republic of Kazakhstan dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

2. The decision to transfer the state of property rights under the contract of donation is received by the owner of the property and must be in the prescribed laws order.

The owners of the property transferred to the State under the contract of donation, are natural persons and private legal entities.

## **Chapter 2. The procedure for transfer of property rights to the state under donation agreement**

**Footnote. The title of Chapter 1 - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

3. The owner of the property transferred to state ownership, apply to the authorized body on state property or its territorial division (hereinafter - territorial division) or the local executive body of the region, city of republican significance, the capital, district, city of regional significance, or the device Akim District value, village, town, rural district (hereinafter - the local authorities) with a proposal for the transfer of state property rights under the contract of donation.

Territorial division of admission appeals owner of the property within three working days send this appeal to the authorized body on state property.

Footnote. Paragraph 3 with amendments made by the Government Resolution of 23.11.2017 № 768 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. The authorized body on state property or local authorities within seven calendar days from the date of receipt of the application notify the owner of the property on the existing proposal for the transfer of state property rights under the contract giving the central executive bodies and executive bodies financed from the local budget, authorized by the local executive authorities to carry out certain functions of the local government (hereinafter - state bodies) presented to I conclusions about the need to acquire state of the rights to the property under the contract of donation.

5. The public authorities, within thirty calendar days from the date of receipt of the proposal of the need to prepare the conclusions (not required) acquisition of rights to state property under a contract of donation and sent to the authorized agency for state property or local authorities.

6. The main criteria when considering the need for the acquisition of rights to state property under a contract of donation are:

- 1) the economic feasibility of the reception property of the state property;
- 2) the purpose and use of the property after taking into public ownership;
- 3) provision of financial assets to be transferred.

At the conclusion of a public authority must be given a government agency or state-owned enterprise (hereinafter - state entity), which was supposed to securing such property, taking into account the established standards and limits positedness property provided by the legislation of the Republic of Kazakhstan, as well as the financial costs of the maintenance and operation of the received property.

Determining the owner of the property, the right to which is transferred to the State under the contract of donation, a specific public entity for the transfer of the property shall not be binding upon the authorized body on state property or local agencies.

7. The property is taken to the republican or municipal ownership.

If appropriate, the decision on the conclusion of the contract of donation of property of non-state legal entities and individuals, except for the shares of joint stock companies and stakes in the authorized capital of limited liability companies, transferred to the republican property, adopted by the authorized body on state property.

The decision to purchase the shares of joint stock companies and stakes in the authorized capital of limited liability companies owned by non-state legal entities and natural persons transferred to the Republic's property by a deed of gift, made by the Government of the Republic of Kazakhstan.

The decision to conclude the contract of donation of property of non-state legal entities and individuals to be transferred to the municipal property is taken by local executive bodies.

Decision on the adoption of the property to the state property under a contract of donation is accepted in view of features in the future, provided chapter 3 hereof.

**Footnote. Paragraph 7 as amended by Resolution of the Government of the Republic of Kazakhstan on 02.19.2014 № 120(Comes into force upon expiry of ten calendar days after its first official publication); with amendments made by the Government Resolution of 07.04.2017 № 182 (shall be enforced from the date of its first official publication).**

8. Property valuation shall be carried out in accordance with the legislation of the Republic of Kazakhstan on valuation activities. Money and securities shall be valued at par without involvement of an appraiser.

Property appraisal shall not be performed in the presence of current:

1) report on property assessment in the form and content approved by order of the Minister of Finance of the Republic of Kazakhstan dated May 3, 2018 № 501 “On approval of the requirements for the form and content of the assessment report” (registered in the Register of State Registration of Regulatory Legal Acts under № 16900) (hereinafter referred to as the assessment report);

2) declaration of conformity in accordance with the form in Appendix 3 to the order of the Minister of Investment and Development of the Republic of Kazakhstan dated April 24, 2017 № 235 “On approval of forms of conclusions on the quality of construction and installation work and compliance of the work performed with the project, declaration of conformity” (registered in Register of State Registration of Regulatory Legal Acts under № 15150);

3) copies of title documents for the land plot;

4) copies of the identification document for the land plot;

5) copies of the act of acceptance of the facility into operation;

6) the owner’s decision on the property transfer to the local executive body, indicating the cost determined by the estimate;

7) copies of executive geodetic survey of engineering networks.

**Footnote. Paragraph 8 - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

9. Value of the property of legal entities and individual entrepreneurs confirmed by an extract from the balance sheet or of an evaluation report drawn up by an appraiser.

10. After the adoption of the decision under paragraph 7. 19 of this Regulation, by the owner of the property transferred to state ownership, and the authorized body on state property or its territorial subdivision or a local executive bodies, within not more than twenty calendar days of the donation contract is in accordance with the civil Code Republic of Kazakhstan.

Donation contract be drawn up in four copies in the Kazakh and Russian languages, each having equal legal force, two copies of each of the parties to the contract of donation.

11. In adopting the State Property ownership in the terms established by the contract of gift, issued an act of reception and transmission of property (transfer certificate).

12. Registration of rights to immovable property in accordance with laws of state registration of rights to immovable property.

Registration of rights to movable property is not required, unless otherwise specified in legislative acts.

13. The authorized body on state property or local authorities keep records of property rights that have been acquired by the State under a contract of donation by making information about it in the register of state property.

**Footnote. Paragraph 13 as amended by Resolution of the Government of the Republic of Kazakhstan on 24.04.2013 № 391 (shall be enforced after ten days after the first official publication).**

14. The transfer and registration of securities market objects, made after the decision provided paragraph 7 this Regulation or following the date specified in the contract of donation containing a promise to donate the owner of the property to the state property in the future, in accordance with the laws on the securities market.

15. Property in the form of money shall be credited to the budget revenue or the Education Infrastructure Support Fund in accordance with the budget legislation of the Republic of Kazakhstan. Foreign currency shall be credited to the revenue of the relevant budget or the Education Infrastructure Support Fund in accordance with the budget legislation of the Republic of Kazakhstan at the official exchange rate of the National Bank of the Republic of Kazakhstan, determined on the day of the decision provided for in paragraph 7 of these Rules, or on the date of transfer established by the deed of gift, containing the owner's commitment to transfer the property rights to the state ownership free of charge in the future.

Transfer of these funds, which are non-tax revenue in the budget made by the owner to the appropriate budget for the relevant codes Unified budget classification Approved by the central authorized body on budget planning, within twenty calendar days of the decision provided paragraph 7 thereof. Transfer of funds under the contract of donation containing a promise to donate the owner of the property to the state property in the future, within the time frame established by the contract of donation.

**Footnote. Item 15 with amendments made by the Government Resolution of 05.23.2016 № 297 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

16. The transfer of land from private ownership to state ownership on the basis of the donation contract shall be based on the features provided by land Code Republic of Kazakhstan.

17. Transfer of property from private ownership of the state property generally useful purposes (donation) is carried out in accordance with Article 516 Civil Code of the Republic of Kazakhstan.

18. In the case of the public authorities, the conclusions about the absence of the need to take the property into public ownership the authorized body on state property or local authorities shall send to the owner of the property refusal to accept the property into state ownership in writing.

### **Chapter 3. Specifics of the procedure of title transfer to the state under a deed of gift in the future**

**Footnote. The title of Chapter 3 - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 12.04.2023 № 288 (shall be enforced ten calendar days after the date of its first official publication).**

19. If appropriate, the decision on the conclusion of the contract of donation containing a promise to donate the owner of the property to the republican property in the future, except for the shares of joint stock companies and participating interests in the share capital of limited liability partnerships, made by the authorized body on state property.

The decision to purchase the shares of joint stock companies and stakes in the authorized capital of the limited liability under the contract of donation containing a promise to donate the owner of the property to the republican property in the future, adopted by the Government of the Republic of Kazakhstan.

The decision to conclude the contract of donation containing a promise to donate the owner of the property in the municipal property in the future, taken by local executive bodies.

**Footnote. Paragraph 19 into the RK Government amended on 02.19.2014 № 120 (shall be enforced upon expiry of ten calendar days after its first official publication); with amendments made by the Government Resolution of 11.23.2017 № 768 (shall be enforced upon expiry of ten calendar days after its first official publication).**

20. The contract of donation containing a promise to donate the owner of the property to the state property in the future, is in accordance with the paragraph 10 hereof.

The donation contract containing the promise of the owner to donate to the property to the state property in the future, states the right of the authorized body on state property or its territorial subdivision or a local executive body at any time before the transfer to the state will abandon it.

21. Not later than 30 calendar days prior to the date of actual transfer of the owner of the rights to the property to the state, established by the contract of donation containing a promise to donate the owner of the property to the state property in the future, the authorized body on state property or local authorities request from the owner of the property information on the value of the property and the lack of rights of third parties on the property.

22. The authorized body on state property or local authorities within seven calendar days of receiving the information about the value of the property and the lack of third-party rights

to the property sent to the state bodies documents about this property to represent confirm previously presented conclusions about the need for the acquisition of rights by the State on the property.

23. The state body within 10 calendar days from the date of receipt of the documents shall confirm previously presented conclusions about the need for the acquisition of state property rights to the authorized body on state property or local authorities.

24. When the public authorities confirm previously presented conclusions about the need for the property to the state property is made the act of reception and transmission of property (transfer certificate) within fifteen working days of receipt of confirmation.

If the public agency does not confirm the previously submitted an opinion on the need for property to state ownership, the authorized body on state property, or its territorial subdivision or a local executive body refuses the gift, and prepares the refusal in writing. If a donation contract is registered, refusal to accept the gift and is subject to state registration.

If a donation contract containing the owner promised to donate to the property to the republican property in the future, concluded by the decision of the Government of Kazakhstan, the public authority did not confirm the previously submitted an opinion on the need for the property in the republic ownership, taking steps to recognize invalid the relevant decision of the Government Republic of Kazakhstan.

**Footnote. Item 24 with amendments made by the Government Resolution of 02.19.2014 № 120 (shall be enforced upon expiry of ten calendar days after its first official publication).**