



On approval of the Rules of guaranteeing educational loans granted by financial organizations

Invalidated Unofficial translation

Resolution No. 248 of the Government of the Republic of Kazakhstan dated February 21, 2012. Abolished by the Decree of the Government of the Republic of Kazakhstan dated August 16, 2023 No. 690

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated August 16, 2023 No. 690 (it is put into effect after ten calendar days after the date of its first official publication).

In accordance with subparagraph 22-1) of Article 4 of the Law of the Republic of Kazakhstan dated July 27, 2007 “On Education”, the Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Rules of guaranteeing educational loans granted by financial organizations.
2. To invalidate some resolutions of the Government of the Republic of Kazakhstan in accordance with the Appendix to this resolution.
3. This resolution shall be enforced upon expiry of ten calendar days after the first official publication.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved by
Resolution No. 248
of the Government
of the Republic of Kazakhstan
dated February 21, 2012

Rules of guaranteeing educational loans granted by financial organizations 1. General Provisions

1. These Rules for guaranteeing educational loans granted by financial organizations

(hereinafter - the Rules) are developed in accordance with the Law of the Republic of Kazakhstan dated July 27, 2007 “On Education” and govern the procedure of guaranteeing educational loans (hereinafter -the loan) granted by financial organizations.

2. The following concepts are used in these Rules:

- 1) creditworthiness assessment - procedure of assessing the risk of loan non-repayment by the borrower;
- 2) warranty obligation - the obligation of the organization to be accountable to the creditor for fulfillment of the obligations by the borrower under the loan agreement within the amount of the guarantee determined in the manner and on the conditions provided for by the agreement;
- 3) agreement - an agreement concluded between the creditor and the organization, establishing the procedure for their relations on loans guaranteeing;
- 4) default – non- fulfillment by the borrower of obligations under the loan agreement, as a result of which procedure for fulfilling the guarantee obligation in accordance with the civil legislation of the Republic of Kazakhstan is started;
- 5) borrower - an individual to whom a creditor has granted a loan;
- 6) educational loan - money provided to the borrower by financial organizations to pay for tuition on the terms of urgency, repayment and interest payment;
- 7) financial organization - a legal entity licensed to conduct borrowing operations (hereinafter - the creditor);
- 8) methodology of determining the size of the guarantee - conditions of guarantee, criteria and procedure for assessing the size of guarantee determined by the authorized body in the field of education (hereinafter - the methodology).

2. Procedure of guaranteeing educational loans

3. Guaranteeing of educational loans shall be provided by the organization whose main activity profile, in accordance with the resolution of the Government of the Republic of Kazakhstan, is issuance of guarantees for educational loans (hereinafter - the Organization).
4. The borrower shall file an application to the creditor for a loan guaranteed by the organization, in accordance with the requirements established by the creditor.
5. The organization, by virtue of its activity, shall not enter into direct relations with the borrower.
6. Relations between the organization and the creditors shall be regulated by an agreement.
7. The organization shall determine the criteria for the borrowers and the loans subject to publication in the media.
8. To conclude an agreement with the organization, the creditor shall submit a signed and stamped application in the form approved by the organization. The creditor shall attach documents to the application in accordance with the list approved by the organization and published in the media.

9. The organization shall decline the application of the creditor in the event of non-submitted or improperly executed documents required in accordance with paragraph 8 of these Rules.

10. The decision to conclude an agreement or to reject an application shall be made by the organization within five business days from the date of its registration.

11. The agreement shall include provisions on:

1) timely and efficiently conducted assessment by the creditor of the creditworthiness;

2) due notice by the creditor to the organization about termination of the loan agreement caused by performance of obligations by the borrower under the loan agreement;

3) reporting to the organization by the creditor on the current performance of obligations under the loan agreements;

4) written notice given by the creditor to the organization upon assignment of the right to claim on guaranteed loans.

12. The agreement shall take effect from the day of its signing by the parties.

13. The organization shall publish in the media the list of creditors who have entered into an agreement with it.

14. The creditor who has concluded the agreement after the borrower's applying for a loan guaranteed by the organization, within ten business days shall direct a loan guarantee application to the organization in the form approved by it.

15. The organization, within three working days from the date of receipt of the creditor's application, shall examine the submitted documents for compliance with the organization's requirements and send to the creditor a signed and stamped warranty obligation in one copy, or a reasoned refusal to provide a guarantee.

The warranty obligation shall be provided within the scope of the guarantee approved by the organization's governing body.

16. The organization shall decline provision of guarantees to the creditor in the following instances:

1) incorrectly completed application form;

2) the borrower and (or) loan do not meet the criteria defined by the organization;

3) other cases stipulated by the agreement.

17. Upon receipt of the warranty obligation by the creditor signed and certified by the organization's seal, the creditor and the borrower shall enter into a loan agreement.

18. In the event of a default, the creditor shall notify the organization of non-fulfillment of the borrower's main obligation in the manner established by the agreement.

19. The creditor shall lodge a document demanding payment of the guarantee amount with attached payment documents and loan documents in the manner established by the agreement.

20. If the creditor conducted creditworthiness assessment when issuing the loan that meets the requirements, the organization shall pay the guarantee amount within the established size.

21. All payments shall be made in the national currency of the Republic of Kazakhstan.

22. The size of the loan guarantee is established by the methodology. The minimum guarantee amount is 50 percent of the principal debt amount.

23. The warranty obligation on the loan shall be terminated in the manner prescribed by the agreement, without payment by the organization of the guarantee amount in the following cases:

1) termination of the loan agreement by performance of obligations by the borrower;

2) non-fulfillment by the creditor of the terms of the guaranteed loan agreement;

3) assignment of the right of claim on loans to the creditor who has not concluded an agreement with the organization;

4) revealed facts of conducting credit assessment in the way that is inconsistent with these Rules or the agreement;

5) in other cases provided for by the civil legislation of the Republic of Kazakhstan and by the agreement.

24. Any changes and additions to the agreement shall be made by signing an additional agreement.

25. In case of a review of the methodology, the new conditions shall apply to newly guaranteed loans.

Appendix
to Resolution No. 248
of the Government
of the Republic of Kazakhstan
dated February 21, 2012

List of certain expired resolutions of the Government of the Republic of Kazakhstan

1. Resolution No. 745 of the Government of the Republic of Kazakhstan dated July 19, 2005 “On approval of the Rules of guaranteeing by joint-stock company “Financial Center” of educational loans provided by second-tier banks” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2005 No. 30, Art. 386);

2. Resolution No. 619 of the Government of the Republic of Kazakhstan dated June 30, 2006 “On Amendments and Additions to Resolution No. 745 of the Government of

the Republic of Kazakhstan dated July 19, 2005” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2006, No. 23, Art. 245);

3. Paragraph 2 of Resolution No. 389 of the Government of the Republic of Kazakhstan dated April 25, 2008 “On Amendments and Additions to Resolutions of the Government of the Republic of Kazakhstan dated June 1, 2005 No. 541 and dated July 19, 2005 No. 745” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2008, No. 22, Art. 206);

4. Resolution No. 395 of the Government of the Republic of Kazakhstan dated April 7, 2011 “On Amending Resolution No. 745 of the Government of the Republic of Kazakhstan dated July 19, 2005” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2011, No. 33, Art. 394).