

On approval of the Rules of conducting monitoring of management efficiency of state property, including enterprises and legal entities with state participation

Unofficial translation

Resolution № 1546 of the Government of the Republic of Kazakhstan dated December 4, 2012.

Unofficial translation

In accordance with paragraph 2 of Article 196 of the Law of the Republic of Kazakhstan "On State Property", the Government of the Republic of Kazakhstan **DECIDES**:

Footnote. The preamble is amended by the resolution of the Government of the Republic of Kazakhstan dated 29.03.2025 № 188 (effective ten calendar days after the date of its first official publication).

1. To approve the attached Rules of conducting monitoring of management efficiency of state property, including enterprises and legal entities with state participation.

2. To invalidate Resolution № 998 of the Government of the Republic of Kazakhstan dated July 24, 2001 "On implementation of integrated monitoring system of functioning and effectiveness of the management of state property, and also objects in which the state has a share of ownership" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2001, № 27, Art. 347).

3. This resolution shall take effect on March 10, 2013 and is subject to official publication

Prime Minister of the Republic of Kazakhstan

S. Akhmetov

Approved by
Resolution № 1546
of the Government
of the Republic of Kazakhstan
dated December 4, 2012

Rules for monitoring the effectiveness of state property management, including state-owned enterprises and legal entities with state participation

Footnote. Rules as amended by Resolution of the Government of the Republic of Kazakhstan dated 29.03.2025 № 188 (effective ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for monitoring the effectiveness of state property management, including state-owned enterprises and legal entities with state participation (hereinafter referred to as

the Rules), have been developed in accordance with paragraph 2 of Article 196 of the Law of the Republic of Kazakhstan "On State Property" and define the procedure for organizing and monitoring the effectiveness of state property management, including state-owned enterprises and legal entities with state participation.

2. The basic concepts used in these Rules:

1) regional authorized body – an executive body funded from the local budget, authorized to dispose regional communal property;

2) district authorized body – an executive body funded from the local budget authorized to dispose district communal property;

3) the authorized body for communal property of local self-government is the office of the akim of a town of district significance, village, settlement, rural district;

4) the object of monitoring is state-owned enterprises, legal entities with state participation, with the exception of the joint-stock company National Welfare Fund Samruk-Kazyna, all types of property that are part of state property, including those in trust management, property lease (lease), concessions, or transferred under a public-private partnership contract;

5) subjects of monitoring – the authorized body for state property management, the regional authorized body, the district authorized body, the authorized body for communal property of local self-government;

6) a development plan is a document defining the main areas of activity and indicators of financial and economic activity of a state-owned enterprise, joint-stock company and limited liability partnership, the controlling stake (share of participation in the authorized capital) of which belongs to the state, for a five-year period;

7) an action plan is a document defining the main activities and indicators of the financial and economic activities of the national management holding, the national holding company and the national company for a five-year period;

8) the register of state property (hereinafter referred to as the register) is a unified information automated system for accounting state property, with the exception of property under the operational management of special state bodies, the Armed Forces, other troops and military formations of the Republic of Kazakhstan, and the state material reserve.

3. Monitoring the effectiveness of the management of state property, including state-owned enterprises and legal entities with state participation (hereinafter referred to as – monitoring) is an analysis of the qualitative and quantitative condition of state property, including technological, financial and economic activities, legal characteristics of state-owned enterprises and legal entities with state participation, in order to timely identify the ongoing changes, forecast further development and develop recommendations to prevent and eliminate the consequences of negative processes in their activities.

4. Monitoring identifies the state and development trends of monitoring facilities that affect the preservation and strengthening of the resource and energy base of the economy of the country and regions.

5. The purpose of monitoring is to ensure the socio-economic interests of the state.

6. The main objectives of monitoring are:

1) a comprehensive analysis of the effectiveness of the management of monitoring facilities and a holistic assessment of the condition of state property;

2) analysis of the fulfillment of obligations and conditions of concession agreements or public-private partnership agreements, trust management, property lease (lease) of state-owned facilities;

3) expert assessment of the prospects for the development of equipment, technology of monitoring facilities and their impact on the state of the regions;

4) formation and maintenance of an electronic database on monitoring objects on the registry portal (auxiliary service "NATIJE");

5) identification of problems and development of recommendations for further development of state-owned enterprises and legal entities with the participation of the state.

Chapter 2. The order of organization of monitoring of objects of state property

7. Monitoring of republican and municipal property is carried out by types of state property, and monitoring of regional, district communal property and municipal property of local self-government is carried out by levels of local government and self-government.

8. Monitoring of facilities is organized by:

1) for republican property – the authorized body for the management of state property;

2) for regional communal property – the regional authorized body;

3) for district communal property – the district authorized body;

4) for communal property of local self-government - the authorized body for communal property of local self-government.

9. Monitoring entities annually carry out monitoring with one hundred percent coverage of monitoring facilities.

10. Monitoring includes analysis of:

1) technological aspects of the activity: analysis of the state of assets, main and auxiliary production;

2) financial and economic activities: analysis of the achievement of direct and final results of activities, income and expenses for core activities, analysis of remuneration policy, analysis of the stability of the financial condition of the monitoring object;

3) legal issues: compliance of the conducted activities with the charter of the organization, trust management agreements, property lease (lease) and concession, or public-private partnership agreements.

Chapter 3. The procedure for monitoring state property facilities

11. In order to carry out monitoring, monitoring entities annually conduct an analysis according to the list of monitoring objects posted in the register, based on the indicators of financial and economic activity contained in:

1) reports on the implementation of development plans for state-controlled joint-stock companies, limited liability partnerships, and state-owned enterprises, developed in accordance with the Order № 14 of the Minister of National Economy of the Republic of Kazakhstan dated February 14, 2019 (registered with the Ministry of Justice of the Republic of Kazakhstan on February 19, 2019 № 18328), presented in the register;

2) reports on the implementation of development plans for national management holdings, national holdings and national companies owned by the state, developed in accordance with the Orders of the Minister of National Economy of the Republic of Kazakhstan dated February 27, 2015 № 149 (registered with the Ministry of Justice of the Republic of Kazakhstan on April 9, 2015 № 10663) and dated February 26, 2015 № 139 (registered with the Ministry of Justice of the Republic of Kazakhstan on April 10, 2015 № 10685), presented in the register.

12. To participate in the monitoring, the monitoring entities involve employees of the territorial divisions of the authorized body for the management of state property, as well as sectoral government agencies.

13. By decision of the head of the monitoring entity, a commission is established with the participation of employees of the territorial divisions of the authorized state property management body and sectoral government agencies.

14. Based on the results of the analysis, the monitoring subjects form conclusions in accordance with the annex to these Rules.

15. The conclusion should contain recommendations on the prevention and elimination of the consequences of negative processes in the activities of monitoring facilities, which are sent to:

for republican property – the authorized body for the management of the relevant industry ;

for communal property - the object of monitoring.

16. Monitoring facilities and authorized bodies for the management of relevant industries, within 10 working days after receiving the conclusion, submit to the monitoring entity a response of agreement with the recommendations or a reasoned response of disagreement.

17. Monitoring entities shall submit a consolidated analysis and recommendations by December 25 of this year, taking into account the responses of monitoring facilities and authorized bodies for the management of relevant industries to the authorized state planning body.

18. Based on the results of the monitoring of the effectiveness of state property management, the monitoring entities post the monitoring results in the register.

19. The head of a state-owned enterprise, the first heads of national management holdings, national holdings, national companies, and the heads of executive bodies of legal entities with state participation shall bear disciplinary responsibility for non-fulfillment of the planned indicators of the development plan or action plan, resulting in loss or receiving a loss greater than planned, which does not contain signs of an administrative or criminal offense.

The authorized body for the management of the relevant branch (sphere) of public administration, local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, offices of akims of towns of district significance, villages, settlements, rural districts, taking into account the analyses and recommendations of the authorized body for state property management formed based on the results of the monitoring, consider the issue and make a decision to impose disciplinary action on the heads of a state-owned enterprise, the first heads of national management holdings, national holdings, national companies, the head of the executive body of legal entities with state participation in accordance with the laws of the Republic of Kazakhstan.

If the percentage of voting shares (stakes) in state-owned legal entities is less than 100 % (one hundred percent), the issue and decision-making on imposing disciplinary action on the heads of the executive body of state-owned legal entities are submitted to a meeting of the Board of Directors and (or) the general meeting of shareholders or participants in a limited liability company in accordance with the laws of the Republic of Kazakhstan "On Joint-Stock Companies" and "On Limited Liability Companies".

Appendix
to the Rules for monitoring
the effectiveness of management of the
state property, including
state enterprises and legal entities with
state participation

Conclusion based on the monitoring results
(fact ____yy. and a plan for ____yy.)

1. General information about the monitoring facility

1.1. The decision to create a monitoring facility

1.2. Purpose of creating a monitoring facility

1.3. Location of the monitoring object _____

2. Technological aspects of the monitoring facility

2.1. Analysis of assets, main and auxiliary production _____

3. Analysis of the financial and economic activities of the monitoring facility

3.1. Analysis of the achievement of direct and final results of the activity of the monitoring object

3.2. Income and expenses related to core business

3.3. Analysis of the remuneration policy of the monitoring facility

3.4. Analysis of the stability of the financial condition of the monitoring facility _____

4. Legal analysis

4.1. Compliance of the conducted activities with the charter of the organization, trust management agreements, property lease (lease) and concession, or public-private partnership agreements

GENERAL CONCLUSIONS

RECOMMENDATIONS
