

## On approval of the project selection rules and criterion

### *Invalidated Unofficial translation*

Order of the acting Minister for Investments and Development of the Republic of Kazakhstan No. 1293, dated December 31, 2015. Registered under No. 12965 on February 1, 2016 in the Ministry of Justice of the Republic of Kazakhstan. Expired by Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated July 31, 2019 No. 599.

**Footnote. Expired by Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated July 31, 2019 No. 599 (effective after ten calendar days after the date of its first official publication).**

In accordance with subparagraph 12-1) of Article 5 of the Law of the Republic of Kazakhstan dated July 21, 2011 “On special economic zones in the Republic of Kazakhstan” **I HEREBY order to:**

1. Approve:

- 1) Project selection rules, in accordance with annex 1 to the present order;
- 2) Project selection criterion, in accordance with annex 2 to the present order.

2. To declare to be no longer in force:

1) Order of the Deputy Prime Minister of The Republic of Kazakhstan – Minister of Industry and Innovative Technologies of the Republic of Kazakhstan dated September 21, 2011 No.335 “On approval of application forms and registration forms for participants of free economic area” (registered in the Register of the official registration of regulatory legal acts under No. 7214, published on October 18, 2011 in “Kazakhstanskaya Pravda” newspaper No. 332 (26723);

2) Order of the Deputy Prime Minister of The Republic of Kazakhstan – Minister of Industry and Innovative Technologies of the Republic of Kazakhstan dated September 21, 2011 No.335 “On approval of application forms and registration forms for participants of free economic area” (registered in the Register of the official registration of regulatory legal acts under No. 9008, published on January 18, 2014 in Adilet legal information system of Regulatory Legal Acts).

3. Provide the Investments Committee of the Ministry of Investments and Development of the Republic of Kazakhstan (Khairov E.K.) with:

1) Official registration of the present order in the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after official registration of the present order in the Ministry of Justice of the Republic of Kazakhstan, sending its copy in paper or electronic form for official publication in periodicals and Adilet information system of Regulatory Legal Acts, as well as to the Republican Center of Legal Information for the submission to the reference bank of normative legal acts of the Republic of Kazakhstan;

3) placing this order on the website of the Ministry of Investment and Development of the Republic of Kazakhstan and the intranet portal of state bodies;

4) within ten working days after official registration of the present order in the Ministry of Justice of the Republic of Kazakhstan, presenting it to the Legal Department of the Ministry of Investments and Development of the Republic of Kazakhstan for information on execution of measures, stipulated in subparagraphs 1), 2) and 3) of paragraph 2 of the present order.

4. Entrust control over execution of the present order to the Vice-Minister for Investments and Development of the Republic of Kazakhstan

5. The present order shall be put into force after ten days from the date of its first official publication.

*Acting Minister for  
Investments and Development of  
The Republic of Kazakhstan*

*Z. Kasymbek*  
Annex 1 to the order of the acting  
Minister for Investments and  
Development of  
the Republic of Kazakhstan  
dated December 31, 2015, No. 1293

## **Project selection rules**

### **1. General provisions**

1. Project selection rules (hereinafter referred to as the Rules) have been developed in accordance with the subparagraph 12-1) of Article 5 of the Law of the Republic of Kazakhstan dated July 21, 2011 “On Special Economic Zones in the Republic of Kazakhstan” (hereinafter referred to as the Law) and determines the procedure for selecting applicants' projects for carrying out activities as participants in a special economic zone.

2. General terms, used in this Order:

1) Special Economic Zone (hereinafter referred to as the SEZ) – is a part of the territory of The Republic of Kazakhstan with precisely defined boundaries on which the special legal regime of the Special Economic Zone is in operation for the implementation of priority activities;

2) management body of the Special Economic Zone – management company, official institution of the local executive body of the capital or an independent cluster fund;

3) project of the potential participant of the free economic area, applicant, participant of the Special Economic Zone (hereinafter referred to as the Project) – is an action plan for the creation of modern high-powered, competitive production for the purposes of priority activities;

4) contract for implementation of activities acting as a participant of the Special Economic Zone (hereinafter referred to as the contract for implementation of activities) – is a contract, entered into by and between several participants of the Special Economic Zone and a management body of the Special Economic Zone, that establishes activities for a participant on the territory of the Special Economic Zone, terms of such activities, rights, obligations and liability of the parties;

5) priority activities – are the types of activity, that correspond to the purpose of creation of the Special Economic Zone, and are subject to special legal regime of the Special Economic Zone;

6) applicant – is an individual that applies to the authorized body of the Special Economic Zone for executing priority and supplementary activities;

7) authorized body – central operating agency that performs state control in the field of functioning and elimination of Special Economic Zones.

## **2. Rules for the selection of applicants' projects for implementation of activities as members of the Special Economic Zone**

1. To select the applicant's project for implementation of activities as members of the Special Economic Zone, the applicant shall provide the authorized body of the Special Economic Zone with the application for implementation of activities in the form, as stipulated in annex 1 to the present Rules, the profile for implementation of activities as a member of the Special Economic Zone in the form, as stipulated in annex 2 to the present Rules, as well as documents, provided for in paragraphs 2 and 3 of Article 10 of the Law.

In cases where the legal entity is not a resident the Republic of Kazakhstan at the moment of submission of document and is not registered as a taxpayer of the Republic of Kazakhstan, then the copy of the certificate of absence of official registration as a taxpayer in the national revenue authority of the Republic of Kazakhstan shall be submitted.

Foreign legal entities shall present legalized documents, specified in subparagraphs 2), 5) and 6) of paragraph 2 of Article 10 of the Law, legalized extract from the

commercial register or other legalized document, certifying that the foreign legal entity is a company established and existing under the laws of a foreign country, with notarized translation into Kazakh and Russian language.

Foreign legal entities, that apply for implementation of activities as members of the Special Economic Zone “Astana – new city”, which are included in the list of legal entities, that has been approved by a legal entity, created by the decision of the Government of the Republic of Kazakhstan and organize and manage the international and specialized exhibition on the territory of the Republic of Kazakhstan, shall not be subject to the requirements for document submission, stipulated in the subparagraphs 7 ), 8) and 11) of paragraph 2 of Article 10 of the Law.

2. When requesting the application for implementation of activities in the Special Economic Zone, it shall be registered in the application register on the day of the request.

3. The authorized body of the Special Economic Zone shall check the completeness of the package of documents submitted, indicated in paragraphs 2 and 3 of Article 10 of the Law.

4. When selecting the applicants’ projects for implementation of activities as members of the Special Economic Zone, applicants who meet the main criteria stipulated by paragraph 1 and at least one of the additional criteria stipulated by paragraph 2 of the Project Criteria have the advantage to conclude an agreement on the implementation of activities.

In the event that two or more applicants meet the main and additional Criterion, the applicants who meet more additional criteria have the advantage to conclude an agreement on the implementation of activities.

5. Meeting the main criterion is integral for conclusion of an agreement on the implementation of activities.

6. In case of compliance of the applied activity to the priority activities and Criterion for the selection of projects of the applicants, the authorized body of the Special Economic Zone shall conclude an agreement for implementation of activities within ten working days.

In relation to the applicants that apply for implementation of activities as member of the Special Economic Zone “Astana – new city”, which are included in the list of legal entities, that has been approved by a legal entity, created by the decision of the Government of the Republic of Kazakhstan and organize and manage the international and specialized exhibition on the territory of the Republic of Kazakhstan the term shall not exceed five working days.

7. Authorized body of the Special Economic Zone shall refuse to conclude an agreement on implementation of activities in cases of inconsistencies between the declared type of activity and the priority activities and the Criterion for selecting

applicants' projects and (or) if the submitted documents do not conform to the requirements established by paragraphs 2 and 3 of Article 10 of the Law.

8. Within two working days from the date of the conclusion of the agreement on the implementation of activities the authorized body of the Special Economic Zone shall notify the state revenue authorities.

9. On the basis of a concluded agreement on the implementation of activities, a participant in a Special Economic Zone shall terminate the activities of his separate structural subdivisions outside of the Zone.

Activities outside the territory of the Special Economic Zone shall be allowed Participants in the field of information and communication technologies and innovative technologies, unless otherwise provided by this Law.

Annex 1 to the  
Project Selection Rules  
Form

to: \_\_\_\_\_

(Name of the authorized body of SEZ)

Application for implementation of activities as a member of the special economic zone

I ask to consider \_\_\_\_\_

(name of legal entity)

For implementation of activities as a member of the Special Economic Zone

\_\_\_\_\_.

(name of the Special Economic Zone)

Information about the investment project, planned for realization on the territory of the Special Economic Zone:

Type of activity: \_\_\_\_\_;

name of the product and/or services:

\_\_\_\_\_;

total project cost, KZT: \_\_\_\_\_;

capital position, KZT: \_\_\_\_\_;

borrowed assets, KZT: \_\_\_\_\_;

number of permanent jobs, people:

\_\_\_\_\_;

additional information: \_\_\_\_\_.

surname and first names of the chief executive officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Stamp here

" \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_

**Profile**  
**for implementation of activities as a member of**  
**the special economic zone**

**1. General information:**

Full name of the legal entity	
Information on the shareholders (name, surname, patronymic, share of participation)	
Date of state registration (re-registration)	
Business identification number	

**2. Address:**

Region (country, region, district)	
Settlement	
Street	
Building No.	
Postal code	
e-mail	
Telephone	
Fax	

**3. Bank details:**

Servicing bank	
Account number	
Chief executive officer (Full name)	
Contact person (Full name) telephone	

**4. Information on the investment project in the**  
**Special Economic Zone:**

Industry	
Subindustry	
Type of product	
Type of service	
Annual turnover, KZT	
Number of permanent jobs, people	
Additional information	

**5. Information on the applicant in accordance with paragraph 2 of Article 9 of the**  
**Law of the Republic of Kazakhstan dated July 21, 2011 “On Special Economic Zones**  
**in the Republic of Kazakhstan”:**

Subsurface users	

Organizations, producing excisable goods, excluding those, that carry out production, installation (fitting) of excusable goods, stipulated by the subparagraph 6) of Article 279 of the Code of the Republic of Kazakhstan “On Taxes And Other Obligatory Payments Into The Budget” (Tax Code)	
Organizations that implement special tax treatment	
Organizations that apply (have applied) investment tax preferences provided for before the enforcement of the Code of the Republic of Kazakhstan dated December 10 , 2008 “On Taxes And Other Obligatory Payments Into The Budget” (Tax Code)	
Organizations that realize (have realized) investment priority project and investment strategy project in accordance with the Law of the Republic of Kazakhstan on investment	
Gambling business organizers	

Surname, name and patronymic of the chief executive officer: \_\_\_\_\_

\_\_\_\_\_  
Signature: \_\_\_\_\_

Stamp here

" \_\_\_\_ " \_\_\_\_ 20 \_\_\_\_

Annex 2  
to the order of the acting Minister  
for Investments and Development  
of the Republic of Kazakhstan  
No. 1293, dated December 31, 2015

## **Project selection criterion**

1. Selection of applicant's projects for implementation of activities as members of the Special Economic Zone shall be carried out on the basis of the following criterion:

1) absence of overdue credit debts, confirmed by the extract from servicing bank on financial movements in bank accounts of the applicant, on absence of card index and by credit report from loan office that provide details on the whole or partial information available in credit history;

2) tax clearance from taxes and other payments into the budget by a statement from national revenue authority at the place of registry on presence or absence of tax liabilities and other obligatory payments to the budget.

**Footnote. Paragraph 1 as amended by the order of the Minister for Investments and Development of the RK dated 19.04.2017 No. 223 (shall be put in force upon the expiry of ten calendar days after the first official publication).**

2. Selection of applicant's projects for implementation of activities as members of the Special Economic Zone shall be carried out on the basis of the following additional criterion:

- 1) implementation of repeat projects in the regions, that are not the regions of project implementation;
- 2) import-substituting or export-oriented orientation of the project;
- 3) implementation of industrial innovative project.

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of  
Justice of the Republic of Kazakhstan