



On Approval of the Rules and Conditions for conclusion and termination of a special investment contract

Unofficial translation

Order of the Acting Minister of Investment and Development of the Republic of Kazakhstan dated February 8, 2017 No. 85. Registered in the Ministry of Justice of the Republic of Kazakhstan dated February 14, 2017 No. 14801.

Unofficial translation

In accordance with paragraph 3 of Article 295-1 of the Business Code of the Republic of Kazakhstan dated October 29, 2015, I hereby order:

1. The attached Rules and conditions for conclusion and termination of a special investment contract shall be approved.

2. The Investment Committee of the Ministry for Investments and Development of the Republic of Kazakhstan shall ensure:

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

2) Direction of the order's copy in printed and electronic form in Kazakh and Russian languages to the "Republican Center for Legal Information" Republican State Enterprise on the Right of Economic Use for official publication and inclusion in the Standard control bank of regulatory legal acts of the Republic of Kazakhstan within ten calendar days from the date of state registration of this order;

3) Direction of the order's copy for official publication in periodicals within ten calendar days after the state registration of this order;

4) Publication of this order on the Internet resource of the Ministry for Investment and Development of the Republic of Kazakhstan;

5) Submission of information on the performance of activities, in accordance with subparagraphs 1), 2), 3) and 4) of this paragraph to the Legal Department of the Ministry for Investment and Development of the Republic of Kazakhstan within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan.

3. Control over the execution of this order shall be assigned to the supervisory Deputy Minister of Investment and Development of the Republic of Kazakhstan.

4. This order shall be enacted from the date of its first official publication.

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

A. Rau

"AGREED"

Minister of Finance

Of the Republic of Kazakhstan

B. Sultanov
on February 7, 2017

Approved by
Order № 85 of
Acting Minister of Investment
and Development of
the Republic of Kazakhstan
dated February 8, 2017

Rules and conditions for conclusion and termination of a special investment contract Chapter 1.

General provisions

1. These Rules and conditions for conclusion and termination of a special investment contract (hereinafter referred to as the "Rules") have been developed in accordance with Clause 3 of Article 295-1 of the Business Code of the Republic of Kazakhstan dated October 29, 2015 (hereinafter - the Code) and define procedure and conditions for conclusion and termination of a special investment contract.

2. The following basic concepts shall be used in this Law:

1) Special investment project – an investment project implemented and / or being implemented by a legal entity of the Republic of Kazakhstan registered as a participant of a special economic zone or owner of a free warehouse in accordance with the customs legislation of the Republic of Kazakhstan or a project implemented by a legal entity of the Republic of Kazakhstan that has concluded an agreement on the industrial assembly of motor vehicles;

2) Special investment contract - a contract providing for investment preferences for a special investment project;

3) An applicant - a legal entity of the Republic of Kazakhstan registered as a participant of a special economic zone or a legal entity of the Republic of Kazakhstan registered as the owner of a free warehouse or a legal entity of the Republic of Kazakhstan that has concluded an agreement on the industrial assembly of motor vehicles that have applied for investment preferences within the framework of the implementation of a special investment project.

Footnote. Paragraph 2 as amended by the order № 207 of the Minister of Investment and Development of Republic of Kazakhstan dated 30.03.2018.

Chapter 2. Procedure and conditions for conclusion and termination of a special investment contract

3. To conclude a special investment contract, the applicant shall submit an application to the authorized body for concluding special investment contracts for the provision of investment preferences as part of the implementation of a special investment project (hereinafter - the Application) in the form according to Appendix 1 of the order of the Minister for Investments and Development of the Republic of Kazakhstan dated February 6 2017 № 74

“On approval of the application form for the provision of investment preferences within the framework of the implementation of a special investment project and the rules for its acceptance and registration” (hereinafter – the order № 74 dated February 6, 2017) (registered in the Register of state registration of regulatory legal acts under № 14800).

Footnote. Paragraph 3 is in the wording of the order of the acting Minister of Industry and Construction of the Republic of Kazakhstan dated 21.09.2023 № 10 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3-1. Is excluded by the order of the acting Minister of Industry and Construction of the Republic of Kazakhstan dated 21.09.2023 № 10 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

4. The authorized body prepares a special investment contract for signing within fifteen working days from the date of receipt of the application for investment preferences for a special investment project in accordance with paragraph 2 of Article 295-1 of the Code.

5. A special investment contract shall be concluded if the applicant complies with one of the following conditions:

1) The applicant is registered as a participant of a special economic zone in accordance with the legislation of the Republic of Kazakhstan on special economic zones;

2) The applicant is registered as the owner of a free warehouse in accordance with the customs legislation of the Republic of Kazakhstan;

3) The applicant concluded an agreement on the industrial assembly of motor vehicles.

Footnote. Paragraph 5 as amended by order № 207 of the Minister of Investment and Development of Republic of Kazakhstan dated 30.03.2018. (shall be enacted upon expiration of ten calendar days after the day of its first official publication).

6. The authorized body refuses to conclude a special investment contract on the following grounds:

1) Submission of an incomplete set of documents by the applicant;

2) Submission of unreliable information by the applicant;

3) The applicant's failure to comply with the conditions set forth in clause 5 of these Rules

7. A special investment contract shall be terminated under the following conditions:

1) after the expiry of the term specified in the special investment contract or earlier in the event of cancellation of registration as a participant of a special economic zone, the owner of a free warehouse, termination of agreements concluded by a legal entity on the industrial assembly of motor vehicles that served as the basis for concluding a special investment contract, in the event of failure of such a legal entity, including the owner of a free warehouse that has concluded agreements on the industrial assembly of motor vehicles, to comply with the obligations specified in such agreements;

2) on the basis of a written request of a legal entity to terminate a special investment contract;

3) if a legal entity violates the requirements of the customs legislation of the Republic of Kazakhstan, the fulfillment of which is obligatory to obtain investment preferences within the framework of a special investment project provided for in Articles 531, 534, 539, 544, 548, 549, 550, 551, 553 of the Republic of Kazakhstan Code of July 5 2014 "On Administrative Offenses."

8. The basis for termination of a special investment contract in cases specified in subparagraphs 1) and 3) of paragraph 7 of these Rules is the availability of notification to the departments of the authorized body on investment, industrial-innovative development and industrial safety and (or) authorized body in the field of customs business.

9. Notification of conclusion and / or termination of a special investment contract shall be sent by the authorized body within five working days from the date of registration and (or) taking a decision on the termination of a special investment contract to the authorized body of the Republic of Kazakhstan in the field of customs.