

On approval of the Rules for holding an open tender to determine the registrar

Unofficial translation

Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan No. 33 as of January 25, 2019. Registered with the Ministry of Justice of the Republic of Kazakhstan on January 29, 2019, No. 18249.

Unofficial translation

Footnote. The title as amended by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 24.12.2024 No. 413 (effective ten calendar days after the date of its first official publication).

In accordance with subparagraph 32-5) of Article 6 of the Law of the Republic of Kazakhstan "On Grain" **I hereby ORDER:**

Footnote. Preamble - as amended by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 24.12.2024 No. 413 (effective ten calendar days after the date of its first official publication).

To approve the attached Rules for holding an open tender to determine the registrar.

Footnote. Paragraph 1 as amended by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 24.12.2024 No. 413 (effective ten calendar days after the date of its first official publication).

2. In accordance with the procedure established by the legislation, the Department of Production and Processing of Plant Products of the Ministry of Agriculture of the Republic of Kazakhstan shall:

1) ensure state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within 10 (ten) calendar days of the state registration of this order, send it in Kazakh and Russian to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” of the Ministry of Justice of the Republic of Kazakhstan for its official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) within 10 (ten) calendar days of the state registration of this order, send its copy to print periodicals for its official publication;

4) place this order on the website of the Ministry of Agriculture of the Republic of Kazakhstan;

5) within 10 (ten) working days of the state registration of this order, submit information on the implementation of measures, provided for in subparagraphs 1), 2), 3) and 4) of this

paragraph, to the Legal Service Department of the Ministry of Agriculture of the Republic of Kazakhstan.

3. The control over the execution of this order shall be assigned to the supervising vice-minister of agriculture of the Republic of Kazakhstan.

4. This order shall take effect 21 (twenty-one) calendar days after its first official publication.

*Deputy Prime-Minister of
the Republic of Kazakhstan -
Minister of Agriculture of
the Republic of Kazakhstan*

U.Shukeev

Approved by Order № 33 as of
January 25, 2019 of the Deputy
Prime-Minister of
the Republic of Kazakhstan –
Minister of Agriculture of
the Republic of Kazakhstan

The Rules for holding an open tender to determine the registrar

Footnote. The Rules as amended by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 24.12.2024 No. 413 (effective ten calendar days after the date of its first official publication).

Chapter 1. General provisions

1. These Rules for holding an open tender to determine the registrar (hereinafter referred to as the Rules) have been developed pursuant to subparagraph 32-5) of Article 6 of the Law of the Republic of Kazakhstan "On Grain" (hereinafter referred to as the Law) and establish the procedure for holding an open tender to determine the registrar (hereinafter referred to as the tender).

2. The following concepts shall be used in these Rules:

1) registrar information system (hereinafter referred to as the information system) - an automated register management system designed to store, process, search, distribute, transmit and provide information on grain receipts and their holders;

2) authorized body - a central executive body that within its jurisdiction coordinates and regulates the activities of grain market participants.

3. An open tender to determine the registrar shall be held by the authorized body.

4. The authorized body shall place on the official Internet resource of the authorized body www.gov.kz an announcement of the tender 15 (fifteen) working days before the start of accepting applications.

The announcement of the tender shall contain the following information:

1) date and time of the beginning and end of the acceptance of bids;

- 2) list of required documents specified in paragraph 12 of these Rules;
- 3) legal address of the authorized body; date, time and venue of the commission meeting.

The deadline for potential registrars to submit tender bids shall be 10 (ten) business days from the date of the announcement on holding the tender.

Chapter 2. Procedure for holding an open tender to determine the registrar

5. To determine the registrar, the authorized body shall establish a commission for determination of the registrar (hereinafter referred to as the commission).

The working body of the commission shall be a structural subdivision of the authorized body, performing functions in the field of agriculture.

6. The commission shall comprise representatives of the authorized body, public organizations, and private business associations in the agro-industrial complex.

In total, the commission shall be composed of an odd number of members, no less than five people. The commission shall consist of a chairman, the commission members, and a secretary.

The chairman of the commission shall be a representative of the authorized body. The secretary of the commission shall be determined from among the employees of the working body. The secretary of the commission shall not be a member of the commission.

7. The chairman of the commission shall preside at the meetings, plan and manage the Commission's activities.

8. A meeting of the Commission shall be considered to have taken place if at least two-thirds of the total number of its members are present.

9. The resolutions of the Commission shall be adopted by open voting and recorded in the minutes.

If they disagree with the adopted resolution the members of the Commission shall state in writing a special opinion in any form, which shall be attached to the minutes on the results of the open tender to determine the registrar.

10. The secretary of the commission shall:

- 1) provide the commission with the required documents, organize the commission meeting;
- 2) draw up the minutes on the open tender results as determined by the registrar, have it signed by the members of the commission;
- 3) ensure the safety of the tender documents.

11. The commission meeting shall be audio and video recorded. The authorized body shall record the commission meeting using audio and video recording devices.

Audio and video recording of the commission meeting shall be made continuously. Unauthorized suspension or correction of the audio and video recording of the commission meeting shall not be permitted.

12. A prospective registrar shall submit an application to participate in the tender, which shall contain:

1) application in the form of Appendix 1 to these Rules, signed by the head of the prospective registrar, or by the authorized person on the basis of the relevant document confirming the powers;

2) copies of documents on the information system owned by the prospective registrar:
test report with a positive result of testing the information system for compliance with information security requirements or test protocol with a positive result of testing for compliance with information security requirements;

3) price list on provision of paid electronic services to customers of the information system.

13. A tender bid shall be submitted through the authorized body's office or by mail before the deadline for receipt of the tender bids.

14. The tender bid shall be accepted and registered in the authorized body's office on the day of its receipt and shall be given to the secretary of the commission.

If a potential registrar applies after working hours, on weekends and public holidays according to the labor legislation of the Republic of Kazakhstan, the tender application shall be accepted on the next working day.

15. At least two working days from the deadline for receipt of the bids, a meeting of the commission to determine the registrar shall be held with participation of prospective registrars

16. The Commission shall determine the compliance of submitted documents and prospective registrars with the requirements of paragraph 12 of these Rules.

To confirm the availability of integration interactions of the information system with state systems and databases specified in paragraph 3 of the Rules of formation and maintenance of the state electronic register of holders of grain receipts, approved by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated July 28, 2015 No. 4-1/699 (registered in the Register of State Registration of Regulatory Legal Acts under No.12016), as well as the possibility of conducting transactions with grain receipts in the information system, including using blockchain technologies, the prospective registrar shall conduct a demonstration of the client's work in the information system for the commission.

Demonstration of the client's work in the information system shall be held at the commission meeting after determining the compliance of the prospective registrar with the requirements specified in paragraph 12 of these Rules.

17. If during the period of submitting tender bids only one tender bid complying with the requirements specified in paragraph 12 of these Rules was submitted, the Commission shall make a decision to determine this legal entity as a registrar.

If within the term of submitting tender bids several tender bids complying with the requirements specified in paragraph 12 of these Rules were submitted, the Commission shall

determine the registrar based on the smallest amount of the annual subscription fee for annual maintenance of the personal account of the information system's client.

At the same time, the annual subscription fee for providing access to the state electronic register of holders of grain receipts to the grain receiving enterprise is thirty-six times the monthly calculation index, and the annual subscription fee for annual maintenance of the personal account of the client (holder of grain receipts, owner of grain, pledgee) is determined by the potential registrar independently.

18. The minutes on the tender results to determine the registrar shall be drawn up according to the form of Appendix 2 to these Rules and shall be signed and initialled by all members of the commission present at the meeting.

19. The tender shall be recognized by the commission as failed if:

1) no bids were submitted;

2) all potential registrars do not meet the requirements specified in paragraph 12 of these Rules.

20. The minutes on the tender results to determine the registrar shall be posted on the official Internet resource of the authorized body no later than one business day from consideration of the tender bids.

21. In case of recognition of the tender as failed, the authorized body shall make a decision on re-run of the tender.

22. On the basis of the protocol on the results of the tender to determine the registrar, the authorized body shall make a decision to determine the registrar in accordance with subparagraphs 1-3) of Article 6 of the Law.

23. Complaint on the registrar selection shall be considered in accordance with Article 91 of the Administrative Procedural Code of the Republic of Kazakhstan.

Appendix 1
to the Rules

for holding an open tender
to determine the registrar

Form

_____ (state body)

Application

We request that _____

(indicate the name of the legal entity)

be admitted to participate in the open tender to determine the registrar.

We hereby confirm that the information system:

1) has a web portal solution;

2) uses a free open source database management system;

3) uses a free open source operating system;

4) has an act on acceptance into industrial operation of the information system in accordance with the legislation on informatization;

5) has a test report with a positive result of testing the information system for compliance with information security requirements or a test protocol with a positive result of testing for compliance with information security requirements;

6) uses a blockchain platform for storing information system data on transactions with grain receipts;

7) enables transactions with grain receipts in accordance with the Rules for the formation and maintenance of the state electronic register of holders of grain receipts, approved by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated July 28, 2015 No. 4-1/699 (registered in the Register of State Registration of Regulatory Legal Acts under No. 12016);

8) has integration with state systems and databases, namely:

the state body implementing management and cross-sectoral coordination in the field of permits and notifications - with respect to legal entities licensed for activities to provide warehousing services with the issue of grain receipts;

state body implementing regulation of activities in the field of accounting and financial reporting - with respect to information provided by grain receiving enterprises to the financial reporting depository;

state body implementing state policy and state regulation of activities in the state registration and state technical inspection of real estate - with respect to real estate objects registered under grain receiving enterprises;

state body exercising regulation in land relations - with respect to land plots registered with grain receiving enterprises;

state body implementing state registration of legal entities and accounting registration of branches and representative offices - with respect to legal entities, branches and representative offices registered in the register;

state body for state property management - in relation to licensors of grain receiving enterprises and their spatial (geographical) data;

state body implementing tax administration - in relation to data on electronic invoices issued by grain receiving enterprises and holders of grain receipts;

National Railway Company - in relation to information on grain transportation on the domestic market and for export;

state body implementing the formation of identification numbers and maintenance of national registers of identification numbers - in relation to individuals registered in the register;

National certification authority of the Republic of Kazakhstan - in relation to the use of electronic digital signature by participants in the information system when clients perform transactions in the information system;

payment system of a second-tier bank - for the client to perform transactions using the "delivery versus payment" option;

9) operates 24 hours a day/7 days a week, except for technical breaks

Attached documents:

Address and contact phone number _____

(signature) _____ (surname, first name, patronymic (if any))

“ _____ ” _____ 20__ year

Appendix 2
to the Rules
for holding an open tender
to determine the registrar
Form

Minutes on results of the tender to determine the registrar

(venue of the meeting) (time and date)

1. The commission to determine the registrar comprised of:

(indicate surname, first name, patronymic (if any), position of the chairman, members and secretary of the commission)

2. Tender bids of the following potential registrars are admitted to further participation in the tender:

№	Name of potential registrar	Address of potential registrar	Date and time of submitting the tender bid (chronologically)

3. Information on potential registrars, who did not pass the competition, with reasons stated:

4. Information on the tender results indicating the tender winner:

(indicate the name of the registrar)

5. Surname, first name, patronymic (if any), signatures of the chairman and members of the commission

6. Dissenting opinion on sheets.