



**On approval of the minimum size of the authorized and equity capital of a stabilization bank, the Rules for creation of a stabilization bank, formation of its authorized and equity capital, as well as the receipt by the stabilization bank of a license for banking and other operations**

*Unofficial translation*

Resolution of the Board of the National Bank of the Republic of Kazakhstan dated January 31, 2019 No. 11. Registered in the Ministry of Justice of the Republic of Kazakhstan on February 12, 2019 No. 18295

*Unofficial translation*

In accordance with the Law of the Republic of Kazakhstan dated August 31, 1995 “On banks and banking activities in the Republic of Kazakhstan”, the Board of the National Bank of the Republic of Kazakhstan RESOLVES:

1. To approve the minimum size of the authorized and equity capital of the stabilization bank in the amount of 10,000,000,000 (ten billion) tenge.

2. To approve the attached Rules for creation of a stabilization bank, formation of its authorized and equity capital, as well as for receipt by a stabilization bank of a license for banking and other operations.

3. To recognize as invalid the regulatory legal acts of the Republic of Kazakhstan, as well as the structural elements of some regulatory legal acts of the Republic of Kazakhstan in accordance with the list in accordance with the appendix to this resolution.

4. The Department of financial market methodology (Salimbaev D.N.) in the manner prescribed by the legislation of the Republic of Kazakhstan to ensure:

1) together with the Legal Department (Sarsenova N.V.), the state registration of this resolution in the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of the state registration of this resolution, its sending in the Kazakh and Russian languages to the Republican state enterprise on the basis of the right of economic management “Republican Legal Information Center” for official publication and inclusion in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan;

3) placement of this resolution on the official Internet resource of the National Bank of the Republic of Kazakhstan after its official publication;

4) within ten working days after the state registration of this resolution, submission of information to the Legal Department on implementation of the activities provided for in subparagraphs 2), 3) of this paragraph and paragraph 5 of this resolution.

5. The Department for protection of the rights of consumers of financial services and external communications (Terentyev A.L.) to ensure, within ten calendar days after the state registration of this resolution, the sending of its copy for official publication in periodicals.

6. Deputy Chairman of the National Bank of the Republic of Kazakhstan O.A. Smolyakova shall be authorized to oversee the execution of this resolution.

7. This resolution shall come into force ten calendar days after the day of its first official publication.

*The chairman of the  
National Bank*

*D. Akishev*

Approved by the  
resolution of the Board of the  
National Bank of the Republic  
of Kazakhstan  
dated January 31,  
2019 № 11

## **Rules for creation of a stabilization bank, formation of its authorized and equity capital, as well as the receipt by a stabilization bank of a license for banking and other operations**

### **Chapter 1. General provisions**

1. These Rules for creation of a stabilization bank, formation of its authorized and equity capital, as well as the receipt by a stabilization bank of a license for banking and other operations (hereinafter referred to as the Rules) are developed in accordance with the Law of the Republic of Kazakhstan dated August 31, 1995 “On banks and banking activities” in the Republic of Kazakhstan” (hereinafter - the Law on Banks), and establish the procedure for creation of a stabilization bank, formation of its authorized and equity capital, as well as the receipt by a stabilization bank of a license for banking and other operations.

2. A stabilization bank is created to achieve the goals defined by paragraph 2 of Article 61-8 of the Law on Banks.

### **Chapter 2. Procedure for creation of a stabilization bank**

3. The authorized body for regulation, control and supervision of the financial market and financial organizations (hereinafter referred to as the authorized body) after the receipt of an offer from the interim bank management administration (interim bank manager) to conduct an operation to transfer assets and liabilities of an insolvent bank to a stabilization bank within 10 (ten) working days, shall make a decision to create a stabilization bank and immediately notify the interim bank management administration (interim bank manager) about the decision.

4. The decision of the authorized body on creation of a stabilization bank shall indicate:
  - 1) the decision to create a stabilization bank;
  - 2) the name and location of the stabilization bank;
  - 3) the staff of persons authorized to carry out management activities of the stabilization bank and represent its interests to third parties;
  - 4) the number and types of authorized shares, the nominal value of the authorized shares of the stabilization bank, which will be placed among investors of this bank;
  - 5) the decision on approval of the charter of the stabilization bank;
  - 6) an instruction to persons appointed to carry out management activities of the stabilization bank:
    - to sign the charter of the stabilization bank;
    - to register the stabilization bank in the justice authorities;
    - to conclude an agreement with the central depository;
    - to sign the prospectus of issuance of the bank's shares for state registration in an authorized body;
  - 7) an order from the interim bank management administration (interim bank manager) to transfer assets and liabilities to the stabilization bank being created;
  - 8) the date of entry into force of the decision of the authorized body on creation of a stabilization bank;
  - 9) other conditions, including the use of the premises necessary for banking and other operations, equipment, software of the bank, as well as the provision of information to the credit bureau in accordance with the Law of the Republic of Kazakhstan dated July 6, 2004 "On credit bureaus and formation of credit records in the Republic of Kazakhstan."
5. The stabilization bank shall be created in the legal form of the joint-stock company taking into account the features provided for by the Law on Banks.
6. The decision to create a stabilization bank shall be taken by the Board of the authorized body.

### **Chapter 3. Procedure for formation of the authorized and equity capital of a stabilization bank**

7. The authorized capital of a stabilization bank shall be formed when the investor pays for the authorized shares of the stabilization bank in accordance with the agreement concluded between the investor and the person authorized to carry out management activities of stabilization bank.
8. From the moment the investor acquires the authorized shares of the stabilization bank, the bank shall lose the status of the stabilization bank.

## Chapter 4. Procedure for receipt by a stabilization bank of a license for banking and other operations

9. In order to obtain a license for the stabilization bank to conduct certain types of banking and other operations, a person authorized to carry out management activities of a stabilization bank shall submit the following documents to the authorized body:

- 1) a statement;
- 2) a notarized copy of the charter;

3) a document confirming the payment to the budget of a license fee for the right to engage in certain types of activities.

The list of banking and other operations specified in the license shall be determined by the authorized body, depending on the assets and liabilities transferred by the insolvent bank to the stabilization bank.

10. The authorized body shall issue a license to a stabilization bank to conduct banking and other operations in the form in accordance with the appendix to the Rules.

Appendix to the Rules for creation  
of a stabilization bank, formation  
of its authorized and equity capital,  
as well as the receipt by  
a stabilization bank of a license for  
banking and other operations

Form

Coat of arms of the Republic of Kazakhstan

The full name of the authorized body

License for banking and other operations

Number of license \_\_\_\_\_ Date of issuance " \_\_ " \_\_\_\_\_

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(full name of the bank)

This license gives the right to conduct the following types of operations (in national and (or) foreign currency):

1) banking operations:

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2) other operations:

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Chair (Vice Chair)

Stamp here

Almaty city

Appendix to the resolution of the  
Board of the National Bank of the  
Republic of Kazakhstan  
dated January 31, 2019 № 11

## **The list of regulatory legal acts of the Republic of Kazakhstan, as well as structural elements**

### **of some regulatory legal acts of the Republic of Kazakhstan, recognized as invalid**

1. Resolution of the Board of the Agency of the Republic of Kazakhstan on regulation and supervision of the financial market and financial organizations dated August 5, 2009 No. 179 “On approval of the Rules for creation, receipt of a license for banking and other operations, formation of the authorized and equity capital of a stabilization bank” (registered in the Register of state registration of regulatory legal acts under No. 5782, published on October 2, 2009 in the newspaper Yuridicheskaya Gazeta No. 150 (1747).

2. Paragraph 27 of the List of amendments and additions that are made to some regulatory legal acts of the Republic of Kazakhstan on the issues of identification numbers, approved by the resolution of the Board of the Agency of the Republic of Kazakhstan on regulation and supervision of the financial market and financial organizations dated March 29, 2010 No. 50 “On amendments and additions to some regulatory legal acts of the Republic of Kazakhstan on the issues of identification numbers” (registered in the Register of state registration of regulatory legal acts under No. 6219, published on August 26, 2010 in the Collection of acts of central executive and other central state bodies of the Republic of Kazakhstan, No.14).

3. Paragraph 24 of the List of regulatory legal acts of the Republic of Kazakhstan, as amended, the approved resolution of the Board of the National Bank of the Republic of Kazakhstan dated April 26, 2013 No. 110 “On amendments to some regulatory legal acts of the Republic of Kazakhstan” (registered in the Register of state registration of regulatory legal acts under No. 8505, published on August 6, 2013 in the newspaper Yuridicheskaya Gazeta No. 115 (2490).

4. Paragraph 2 of the List of regulatory legal acts of the Republic of Kazakhstan on regulation of the financial market, as amended, approved by the resolution of the Board of the National Bank of the Republic of Kazakhstan dated October 28, 2016 No. 265 “On amendments to some regulatory legal acts of the Republic of Kazakhstan on regulation of financial market” (registered in the Register of state registration of regulatory legal acts of the Republic of Kazakhstan under No. 14733, published on February 28, 2017 in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan).