



## **On approval of the Rules for determining the income of an individual subject to taxation by an indirect method**

### *Unofficial translation*

Order of the First Deputy Prime Minister of the Republic of Kazakhstan - Minister of Finance of the Republic of Kazakhstan dated March 16, 2020, No. 275. Registered with the Ministry of Justice of the Republic of Kazakhstan on March 31, 2020, No. 20215

Unofficial translation

**Note of ILLI!**

**Effective from 01.01.2021.**

In accordance with paragraph 9 of Article 72 of the Code of the Republic of Kazakhstan dated December 25, 2017 "On taxes and other obligatory payments to the budget" (Tax Code)

### **I HEREBY ORDER:**

1. To approve the attached Rules for determining the income of an individual subject to taxation by an indirect method.

2. To recognize as terminated:

1) Order of the Acting Minister of Finance of the Republic of Kazakhstan dated July 22, 2016, No. 383 "On approval of the Rules for determining the income of an individual subject to taxation by an indirect method" (registered in the State Register of Normative Legal Acts under No. 14160, published on September 9, 2016, in the Legal Information System "Adilet")

;

2) paragraph 2 of the List of orders of the Ministry of Finance of the Republic of Kazakhstan, which are amended and supplemented, approved by Order of the Minister of Finance of the Republic of Kazakhstan dated March 31, 2017, No. 213 "On amendments and additions to some orders of the Ministry of Finance of the Republic of Kazakhstan" (registered in the State Register of Normative Legal Acts under No. 15096, published on June 13, 2017, in the Reference Control Bank of Normative Legal Acts of the Republic of Kazakhstan).

3. State Revenue Committee of the Ministry of Finance of the Republic of Kazakhstan, in the manner prescribed by law, shall ensure:

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

2) placement of this Order on the Internet resource of the Ministry of Finance of the Republic of Kazakhstan;

3) within ten working days after the state registration of this Order with the Ministry of Justice of the Republic of Kazakhstan, the submission of information to the Department of

Legal Service of the Ministry of Finance of the Republic of Kazakhstan on the implementation of measures provided for in subparagraphs 1) and 2) of this paragraph.

4. This Order shall come into effect on January 1, 2021, and is subject to official publication.

*First Deputy Prime Minister of the  
Republic of Kazakhstan-Minister of Finance*

*A. Smailov*

Approved  
by Order of the First Deputy  
Prime Minister of the Republic of  
Kazakhstan - Minister of Finance  
of the Republic of Kazakhstan  
dated March 16, 2020, No. 275

## **The Rules for determining the income of an individual subject to taxation by an indirect method**

### **Chapter 1. General Provisions**

1. These Rules for determining the income of an individual subject to taxation by an indirect method (hereinafter referred to as the Rules) have been developed in accordance with paragraph 9 of Article 72 of the Code of the Republic of Kazakhstan dated December 25, 2017 "On taxes and other obligatory payments to the budget" (Tax Code) and shall determine the procedure for determining the income of an individual subject to taxation by the indirect method (hereinafter referred to as the Indirect method) during tax control.

2. Determination of the income of an individual subject to taxation by an indirect method shall be applied during tax control concerning an individual to determine the completeness and reliability of the information reflected in the declaration of an individual (hereinafter referred to as the Declaration) provided for in Chapter 71 of the Tax Code.

3. The actions of these Rules shall not apply to an individual who was registered as an individual entrepreneur, a person engaged in private practice, during the period of such activity.

4. Special concepts and terms of the tax legislation of the Republic of Kazakhstan shall be used in the meanings defined in the relevant articles of the Tax Code.

### **Chapter 2. The procedure for determining the income of an individual subject to taxation by an indirect method**

5. The state revenue authorities of the Republic of Kazakhstan (hereinafter referred to as SRA) in accordance with paragraph 6 of Article 72 of the Tax Code shall apply the following types of indirect method for determining the income of an individual:

- 1) method of increasing the value of assets;
- 2) cost accounting method;
- 3) method of accounting for the movement of funds in bank accounts.

If necessary, SRA shall use a combination of methods specified in this paragraph of the Rules.

6. Determination by the indirect method shall consist of the following steps:

- 1) definition of objects;
- 2) assessment of objects;
- 3) calculation of the income of an individual.

7. To determine the objects of SRA, the following information shall be used:

- 1) on the balances and movement of money in the bank accounts of an individual, on loans provided to an individual, and the cost of repaying interest on mortgage loans;
- 2) on the property, located on the territory of the Republic of Kazakhstan, on the costs of health care and education, for transactions and agreements of individuals, including contracts of insurance transactions of individuals with securities, commodities, and on deductions and payments on social payments;
- 3) on property located in a foreign state, including those with preferential taxation, determined in accordance with paragraph 3 of Article 294 of the Tax Code;
- 4) from the forms of tax reporting submitted by individuals and legal entities;
- 5) obtained as a result of other forms of tax and customs control, including concerning persons with whom an individual entered into transactions in accordance with the legislation of the Republic of Kazakhstan and (or) on mutual settlements with which an individual has a debtor and (or) payable debt;
- 6) obtained from other sources of information, documented.

8. To determine the objects the SRA shall send inquiries to:

- 1) banks and organizations carrying out certain types of banking operations;
- 2) relevant authorized state bodies, local executive bodies, and other organizations operating in the territory of the Republic of Kazakhstan;
- 3) competent authorities of foreign states in the framework of the exchange of information based on existing international treaties or to international organizations that have such information.

9. Sources of information may differ in each specific case, depending on the circumstances, nature, and type of activity of the individual.

10. Assessment of objects shall be carried out based on information obtained from tax reports and (or) primary accounting documents, as well as from other sources.

11. If an individual does not have documents confirming the value of assets, including construction in progress, vehicles, land plots, intangible assets, investment property, and other property, the market value of the specified asset shall be included in the income of this individual.

The market value of objects shall be determined based on the report of an appraiser engaged by the SRA, carrying out activities in accordance with the Law of the Republic of Kazakhstan "On Valuation Activity in the Republic of Kazakhstan".

12. Information on the objects determined by the SRA based on indirect methods is compared with the corresponding data specified by the individual in the tax reporting forms.

13. If the amount of income declared by an individual in the declaration exceeds the amount of income identified from other (additional) sources of information, the amount of income indicated in the declaration shall be accepted during a tax control.

14. If the income of an individual, reflected in the declaration, does not correspond to his expenses made for personal consumption, including the acquisition of property, the SRA shall determine income and tax based on his expenses, taking into account the income of previous periods.

15. The results of determining the income of an individual subject to taxation by an indirect method shall be used during a tax audit and (or) implementation of other forms of state control.