

## **On approval of the Rules for the selection of unified electronic trading platform for the sale of seized property**

### *Unofficial translation*

Order of the Minister of Justice of the Republic of Kazakhstan dated September 11, 2020 No. 347. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 21, 2020 № 21235

#### Unofficial translation

In accordance with Article 74 of the Law of the Republic of Kazakhstan dated April 2, 2010 "On enforcement proceedings and the status of enforcement agents", dated Article 7, subparagraph 3), paragraph 2, of the Law of the Republic of Kazakhstan dated March 18, 2002 "On judicial authorities," paragraph 16, subparagraph 72-1) of the Provision on the Ministry of Justice of the Republic of Kazakhstan, approved by resolution of the Government of the Republic of Kazakhstan dated October 28, 2004 № 1120 "Issues of the Ministry of Justice of the Republic of Kazakhstan," **I hereby ORDER:**

1. To approve the Rules for the selection of a unified electronic trading platform for the sale of seized property.

2. The Department for execution of judicial acts, in accordance with the procedure established by the legislation, shall:

- 1) ensure the state registration of this order in the procedure prescribed by the legislation;
- 2) place this order on the official Internet resource of the Ministry of Justice of the Republic of Kazakhstan after its official publication.

3. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Justice of the Republic of Kazakhstan.

4. This order shall enter into force on the expiry of ten calendar days after the date of its first official publication.

*Minister of Justice  
of the Republic of Kazakhstan*

*M. Beketaev*

Approved by order  
of the Minister of Justice  
of the Republic of Kazakhstan  
dated September 11, 2020 № 347

## **Rules for the selection of unified electronic trading platform for the sale of seized property**

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

1. The Rules for the selection of a unified electronic trading platform for the sale of seized property (hereinafter referred to as the Rules) shall be developed in accordance with article 74

of the Law of the Republic of Kazakhstan " On enforcement proceedings and the status of enforcement agents," shall determine the procedure for organization and implementation of the selection by the Republican Chamber of private enforcement agents of a unified electronic trading platform.

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

1) a potential supplier - a legal entity (with the exception of state institutions, unless otherwise established for them by the Laws of the Republic of Kazakhstan), a temporary association of legal entities (consortium), claiming to conclude an agreement on the provision of services for the sale of seized property on an electronic trading platform;

2) a unified electronic trading platform (hereinafter referred to as UETP) - an information system, a set of databases, technical, software, telecommunications and other means that provide the ability to enter, store and process information necessary for an electronic auction, providing a unified public access point for participants in an electronic auction;

3) The Republican Chamber of Private Enforcement Agents (hereinafter referred to as the Republican Chamber) shall be a non-profit, professional organization that shall coordinate the activities of private enforcement agents and their compliance with the legislation of the Republic of Kazakhstan on the enforcement of proceedings and the status of enforcement agents;

4) announcement - information about the upcoming selection of the UETP.

## **Chapter 2. Procedure for selection of a unified electronic trading platform**

3. A commission shall be set up by the Republican Chamber to select the UETP.

The commission shall include: a representative of the National Chamber of Entrepreneurs of the Republic of Kazakhstan, representatives of the Ministry of Justice of the Republic of Kazakhstan and representatives of the Republican Chamber. At the same time, the total number of members of the UETP selection commission shall be an odd number.

4. When approving the requirements for UETP, the commission is based on the following criteria:

1) professional competence of service providers in the sale of property, their possession of financial resources, technical equipment and other material capabilities, reliability, experience and positive reputation, as well as other resources necessary for the execution of the agreement on the provision of UETP;

2) ensuring the security, confidentiality and reliability of information submitted to the UETP during the execution of executive documents, including protection of UETP information and services from unauthorized access, ensuring transparency and openness of electronic auctions held at the UETP;

3) full accessibility (scheduled maintenance shall be strictly limited by the schedule providing for technical work at night);

4) the use of electronic digital signature on documents and information sent in the form of electronic documents during their exchange through the UETP functionality by the enforcement agent, UETP operator, participants in the electronic auction, parties to enforcement proceedings and other persons;

5) provision of electronic document flow, daily archival storage and search of documents in electronic form, provision of possibility of authorization of participants of electronic auction and differentiation of access rights of users for different category of information;

6) ensuring reception of electronic applications and electronic documents of enforcement agents through electronic interaction with the Automated Information System of enforcement bodies (hereinafter referred to as AISEB) through the gateway of "electronic government" in accordance with the Law of the Republic of Kazakhstan dated November 24, 2015 "On Informatization" (hereinafter referred to as the Law), their placement on the UETP, as well as the transfer of information about lots, the procedure for holding an electronic auction and its results to AISEB;

7) the existence of an act on the acceptance for industrial operation of an information system, an act with a positive result of tests for compliance with information security requirements, an examination of technical documentation and a certificate of compliance with information security requirements in accordance with the Law.

5. The Republican Chamber shall send proposals from potential suppliers to the "e-government" service integrator to prepare an expert conclusion on the compliance of works, technical specifications proposed by potential suppliers.

6. Chairman of the UETP selection commission shall:

- 1) plan the work and supervise the activities of the commission;
- 2) preside over the meetings of the commission;
- 3) perform other functions stipulated by these Rules.

7. Secretary of the UETP selection commission shall:

1) form the agenda of the meeting of the commission, provide the commission with the necessary documents, organize the meeting of the commission;

2) draw up and sign an envelope opening minute with proposals, a minute on admission to participate in the selection of UETP, a minute on the results of the selection of UETP, as well as other minutes of the commission meetings;

3) ensure the safety of documents and materials on the selection of UETP from the moment of opening of proposals.

8. The UETP selection commission shall not later than three calendar days from the date of approval of the UETP requirements, but not less than fifteen calendar days before the final date of submission by potential suppliers of proposals for participation in the UETP selection publish on the website of the Republican Chamber the text of the UETP selection announcement.

9. Proposals from potential suppliers shall be accepted within fifteen calendar days from the date of the announcement.

10. A package of documents to participate in the selection of an UETP submitted by a prospective supplier wishing to participate in the selection of an UETP shall contain:

1) application of the head of the organization to participate in the selection of the UETP;

2) the legal entity shall submit a notarized copy of the charter (if any) approved in accordance with the Law of the Republic of Kazakhstan dated April 22, 1998 "On limited and additional liability partnerships" and the Law of the Republic of Kazakhstan dated May 13, 2003 "On joint stock companies," except when the legal entity carries out activities on the basis of the standard charter. Non-residents of the Republic of Kazakhstan shall submit a legalized extract from the trade register notarized with translation into Kazakh and/or Russian ;

3) the copies of licenses or the license certified by the seal of the potential supplier in the form of the paper copy of the electronic document and (or) certificates, certificates, permissions, other documents confirming the right of the potential supplier for performance of work, rendering the services connected with UETP;

4) notarized copy of certificate or certificate of state registration (re-registration) of legal entity certified by seal of potential supplier;

5) the original certificate of the bank or branch of the bank in which the potential supplier shall be served, signed by an authorized person and printed on the absence of overdue debts for all types of obligations of the potential supplier lasting more than three months before the date of issue of the certificate, to the bank or branch of the bank (in case the prospective supplier is a client of several second-tier banks or branches, as well as a foreign bank, this certificate shall be submitted from each of these banks). The certificate shall be issued not earlier than one month prior to the opening date of the envelopes;

6) certificate of the established form of the relevant state income authority on the absence of tax arrears and arrears of mandatory pension contributions, mandatory professional pension contributions and social contributions for more than three months (except for cases when the due date is delayed in accordance with the Code of the Republic of Kazakhstan dated December 25, 2017 "On taxes and other mandatory payments to the budget (Tax Code) "), or on the existence of tax indebtedness and indebtedness on mandatory pension contributions, mandatory professional pension contributions and social contributions of less than KZT one issued not earlier than one month before the date of opening envelopes;

7) technical specification with indication of works, provision of services, provision of quality guarantees for service of goods, expenses, performance of works, provision of services;

8) a power of attorney to a person (persons) representing the interests of a potential supplier, with the exception of the first head of a potential supplier who has the right to sign

without a power of attorney, in accordance with the charter of a potential supplier, for the right to sign an application to participate in the selection of an UETP.

9) other documents confirming the possibility of effective operation of the UETP (if any).

11. Opening of envelopes with proposals to participate in the selection of UETP shall be carried out by the commission.

12. Envelopes with proposals to participate in the selection of UETP submitted within the deadlines specified in the announcement shall be subject to opening. The minute on opening envelopes with proposals for participation in the selection of UETP in the form according to Annex 1 to these Rules shall be signed and paraffined by all members of the commission present at the meeting, as well as by the secretary of the commission.

13. No later than two working days following the day of the meeting of the commission, the text of the signed envelope opening minute with proposals for participation in the selection of the UETP shall be published on the website of the Republican Chamber.

14. The Commission shall, in the event of identification of potential suppliers that do not meet the requirements, grant such potential suppliers the right to align proposals to participate in the selection of UETP within three working days from the date of publication of the pre-admission minute for participation in the selection of UETP.

15. If potential suppliers meet the requirements for UETP and there are submitted documents, the minute of prior admission to participate in the selection of UETP shall not be drawn up.

16. The Commission shall consider proposals to participate in the selection of UETP and decide to allow potential suppliers to participate in the selection of UETP within five calendar days from the date of opening of envelopes with proposals to participate in the selection of UETP.

17. The minute on admission to participate in the selection of UETP according to the form in accordance with Annex 2 to these Rules, shall be signed, paraffined by all members of the commission present at the meeting, as well as by the secretary of the commission no later than two working days from the date of the decision on admission of potential suppliers to participate in the selection of UETP. An expert conclusion shall be attached to the minute on admission to participate in the selection of UETP.

18. Secretary of the commission no later than one working day from the day of opening of envelopes with proposals to participate in the selection of UETP shall:

1) agree with the Chairman of the Commission on the date and time of the meeting of the Commission on the consideration of proposals for participation in the selection of UETP;

2) notify the members of the commission on the date and time of the meeting of the commission on the consideration of proposals for participation in the selection of UETP;

3) submits the documents confirming compliance of the potential supplier to requirements for consideration of the commission.

19. Members of the commission shall ensure the safety of documents, proposals of potential suppliers during their consideration before returning them to the secretary of the commission.

20. Commission shall:

1) consider for completeness and proper execution the packages of documents that make up the proposals of potential suppliers to participate in the selection of UETP;

2) identify potential suppliers who have submitted an incomplete list of documents and (or) submitted improperly executed documents;

3) request in written form from potential suppliers who have submitted proposals for participation in the competition materials and explanations in connection with their proposals in order to facilitate consideration, evaluation and comparison of proposals for participation in the selection of UETP;

4) in order to clarify the information contained in the proposals to participate in the selection of UETP, in writing requests the necessary information from the relevant state bodies, individuals and legal entities.

Requests and other actions of the commission related to bringing proposals for participation in the selection of UETP in accordance with the requirements shall not be allowed.

Proposals for participation in the selection of UETPs into line with the requirements shall refer to actions of the commission aimed at supplementing proposals, participating in the selection of UETP with missing documents, replacing documents submitted in the application for participation, bringing into compliance by correcting improperly executed documents;

5) identify potential suppliers that meet the requirements of the UETP and recognize them as participants.

21. In order to clarify the compliance of potential suppliers with the requirements in terms of their non-involvement in bankruptcy proceedings and (or) the absence of outstanding liabilities under executive documents, and not included in the relevant register of debtors, the commission shall consider information posted on the Internet resource of the authorized body monitoring bankruptcy proceedings, and on the Internet resource of the authorized body in the field of enforcement of executive documents.

22. If there are no proposals from potential suppliers or if the proposals from potential suppliers do not meet the requirements of the UETP, the UETP shall be re-selected.

Participation in the selection of one potential supplier shall not prevent the selection of UETP.

23. On the issues under consideration, the commission shall adopt the relevant decision by a majority vote of its members participating in the meeting. The members of the commission present at the meeting of the commission and disagreeing with the decision, in writing, set out special opinion, which shall be attached to the minute, as noted in the minute.

24. The minute on the results of the selection of UETP in the form according to Annex 3 to these Rules shall be signed by the chairman and all members of the commission present at the meeting, as well as by the secretary of the commission no later than thirty calendar days from the moment of opening the proposals.

25. The UETP operator shall not charge public and private enforcement agents for the performance of UETP activities in the sale of seized property.

26. The decision of the commission on the selection of UETP, drawn up by the relevant minute, shall be the basis for concluding an agreement between the territorial justice authorities, private judicial executors and the UETP operator.

Annex 1  
to Rules making a selection  
of unified electronic trading  
platform on the sale of seized  
property

**Minute on opening envelopes with proposals for participation in the selection of unified electronic trading platform**

\_\_\_\_\_

(place of opening)

\_\_\_\_\_

(time and date)

1. Commission on selection of a unified electronic trading platform consisting of:

— \_\_\_\_\_

(to specify the name, first name, patronymic (if any), position of the chairman, secretary and members of the commission, date, time and place of opening proposals)

performed an opening procedure for envelopes with proposals to participate in the selection of a unified electronic trading platform.

2. The document package shall be presented by the following potential suppliers:

— \_\_\_\_\_

(name, address of all potential suppliers)

3. Proposals to participate in the selection of a unified electronic trading platform the following potential suppliers \_\_\_\_\_

(to specify name, address of all potential suppliers that have submitted proposals to participate in the selection of a unified electronic trading platform within the deadline for submission of proposals for participation)  
returned unopened based on: \_\_\_\_\_

4. Proposals to participate in the selection of a unified electronic trading platform the following potential suppliers who have submitted them within the deadline, within the deadline for submission of proposals for participation:

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— (name, address of all potential suppliers who submitted proposals before the expiry of the deadline for submission of proposals, time for submission proposals for participation) opened and they shall contain:

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— (to specify the list of documents contained in the proposal, information on withdrawal and changing proposals to participate in the selection of a unified electronic trading platform, number of sheets of documents submitted) which shall be announced to everyone present at the opening of proposals to participate in the selection of a unified electronic trading platform.

5. The following potential suppliers have been present at the opening of the proposals:

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— (name, address, details of all potential suppliers present at opening of proposals to participate in the selection of a unified electronic trading platform

, last name, first name, patronymic (if any) of their authorized representatives).

Last names, first names, patronymic (if any), signatures of the chairman, members and secretary of the commission

Annex 2  
to Rules making a selection  
of unified electronic trading  
platform on the sale of seized  
property

### **Minute on admission to participate in the selection of a unified electronic trading platform**

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(residence) (time and date)

1. Commission on selection of a unified electronic trading platform consisting of:

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— (to list the composition of the commission for the selection of a unified electronic trading platform) considered proposals to participate in the selection of a unified electronic trading platform

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— 2. Information on the involvement of experts, their opinions on compliance of proposals proposed by potential suppliers to participate in selection



unified electronic trading platform, works, technical specification services.

3. Proposals to participate in the selection of a unified electronic trading platform of the following potential suppliers who submitted them within the deadline for submission of proposals for participation:

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— (to specify the name, address of all potential suppliers that have submitted proposals within the deadline for submission of proposals, time

submitting the proposal to participate in the selection of a unified electronic trading platform,

the list of documents contained in the proposals, information on absence or other document required by the requirement, information on withdrawal and modification of proposals to participate in the selection of a unified electronic trading platform and other

information) shall be announced to all those present at the meeting of the commission.

4. Rejected proposals to participate in the selection of a unified electronic trading platform :

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(to specify potential suppliers (their details), proposals for participation rejected, as well as reasons for rejection).

5. Proposals from potential suppliers that meet the requirements of the unified electronic trading platform

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— (to specify potential suppliers (their details).

The Commission on the results of the consideration of proposals for participation in the selection of a unified electronic trading platform hereby RESOLVED as follows:

1. To allow the following potential suppliers to participate in the selection of UETP:

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— (to list potential suppliers allowed to participate in the selection).

2. Prevent participation in the selection of a unified electronic trading platform of the following potential suppliers

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— (to list potential suppliers not allowed to participate in the selection).

3. To appoint a meeting of the commission on the selection of a unified electronic trading platform for:

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— (to specify the day, time, place of meeting of the commission).

4. To post the text of this minute on the website of the Republican Chamber of private enforcement agents.

For this decision voted:

For - \_\_\_\_\_ votes (last name, first name, patronymic (if any) of the commission members);

Against - \_\_\_\_\_ votes (last name, first name, patronymic (if any) of the commission members).

Surnames, first names, patronymic (if any), signatures of the chairman, members and secretary of the commission.

Annex 3  
to Rules making a selection  
of unified electronic trading  
platform on the sale of seized  
property

### **Minute on the results of the selection of a unified electronic trading platform**

\_\_\_\_\_  
(place of residence)

\_\_\_\_\_  
(time and date)

\_\_\_\_\_  
Tender commission consisting of: \_\_\_\_\_

\_\_\_\_\_  
(to list the composition of the commission)

2. The following proposals to participate in the selection of a unified electronic trading platform have been admitted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(to specify proposals to participate in the selection of a unified electronic trading platform of potential suppliers admitted under the admission minute).

3. Envelopes with proposals of potential suppliers: \_\_\_\_\_

\_\_\_\_\_  
(names of potential suppliers of proposals not accepted in connection with the submission after the final time for their consideration).

4. Proposals by participants who submitted proposals within the expiry of time for consideration by the commission:

\_\_\_\_\_

\_\_\_\_\_  
(to specify the names of potential suppliers and their details)  
opened and they shall contain:

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(to specify proposals submitted by potential suppliers that announced to all present at opening of envelopes with proposals for participation in selection of a unified electronic trading platform).

5. Rejected proposals to participate in the selection of a unified electronic trading platform: \_\_\_\_\_

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(to specify potential suppliers (details), proposals for participation have been rejected, as well as reasons for rejection).

Commission on the results of consideration of proposals for participation in the selection of a unified

electronic trading platform hereby RESOLVED as follows:

1) to select a unified electronic trading platform \_\_\_\_\_

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(to specify the prospective supplier (details) or recognize the selection unified electronic trading platform failed due to:

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(to specify the appropriate reason)

2) To post the text of this minute on the website of the Republican Chamber of private enforcement agents.

For this decision voted:

For - \_\_\_\_\_ votes (last name, first name, patronymic (if any) of the commission members);

Against - \_\_\_\_\_ votes (last names, first names, patronymic (if any) of the commission members).

Surnames, first names, patronymic (if any), signatures of the chairman, members and secretary of the commission.