

On the enactment of the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code)

Unofficial translation

Law of the Republic of Kazakhstan of December 25, 2017 № 121-VI.

Unofficial translation

Footnote. throughout the text:

the words "to a disabled person", "of disabled persons", "with/by a disabled child", "of a disabled child", "a disabled person" have been replaced by the words "to a person with a disability", "of persons with a disability", "with/by a person with a disability", "of a child with a disability", "a child with a disability", "a person with a disability", respectively;

the words “degree I or II”, “group I, II or III” have been replaced by the words “of the first or second degree”, “of the first, second or third degree” respectively under Law of the Republic of Kazakhstan № 135-VII of 11.07.2022 (shall be enacted on 01.07.2022).

Article 1. To enact the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code) (hereinafter referred to as the Tax Code) on January 1, 2018, except for:

1) item four of part one of subparagraph 15) of part one of Article 24, which takes effect on July 1, 2018;

2) the titles of Articles 131, 133, Chapter 16, Articles 150 and 433, the Table of Contents, part two of subparagraph 4) of paragraph 2 of Article 19, paragraphs 9 and 10 of Article 22, subparagraph 6) of paragraph 9 of Article 48, subparagraph 6) of part one of paragraph 2 of Article 67, part three of paragraph 2 of Article 82, part two of paragraph 1 of Article 83, item four of paragraph 5 of Article 97, subparagraph 14) of paragraph 2 of Article 114, part three of paragraph 2 of Article 116, paragraph 2 of Article 121, paragraph 7 of Article 123, subparagraph 2) of paragraph 2 of Article 129, Articles 131, 133, Chapter 16, paragraph 6 of Article 145, Article 150, paragraph 4 of Article 152, subparagraph 2) of paragraph 2 of Article 190, item three of subparagraph 2) of paragraph 5 of Article 211, Article 433, item three of part seven of paragraph 2 of article 434, which come into force on January 1, 2019;

3) the title of Article 176 of the Table of Contents, subparagraphs 63) and 71) of paragraph 1 of Article 1, part two of Article 11, subparagraph 7) of paragraph 3 of Article 69, paragraph 6 of Article 140, subparagraph 15) of paragraph 1 of Article 142, Article 176, paragraph 6 of Article 215, subparagraph 2) of paragraph 3 of Article 484, paragraph 2 of Article 678, item three of part two of paragraph 4 of Article 709, which come into force on January 1, 2020;

4) headings of Articles 23, 72 table of contents, subparagraph 8) of paragraph 1 and subparagraph 15) of paragraph 2 of Article 19, of Article 23, of item three of part one of subparagraph 13) and subparagraph 14) of part one of Article 24, paragraphs 13, 14, 15, 16, 17, 18 and 19 of Article 26, subparagraphs 15), 16) and 17) of paragraph 1 of Article 30, of paragraph 5 of Article 69, of Article 72 Article 72, subparagraph 6) of paragraph 1 of Article 73, paragraph 2 of Chapter 11, subparagraph 6) of paragraph 2 of Article 114, of paragraph 5 of Article 208, of paragraph 4, subparagraph 5) of paragraph 5 of Article 209, subparagraph 7) of paragraph 5 of Article 211, of paragraph 5 of Article 212, subparagraph 12) of paragraph 5 of Article 412, Articles 630 – 632, paragraphs 1 – 3, subparagraphs 1) – 4), 6) and 7) of paragraph 4, paragraphs 5 and 6 of Article 633, of paragraph 1, subparagraphs 1) – 3) of paragraph 2, paragraphs 3 – 5 of Article 634, of Article 635, which shall come into force from January 1, 2021;

5) headings of paragraph 2 of Chapter 11, Articles 636 – 643 table of contents, paragraph 2 of Chapter 11, of paragraph 6-1 of Article 215, subparagraph 5) of paragraph 4 of Article 633, subparagraph 4) of paragraph 2 of Article 634, Articles 636 – 643, which shall come into force from January 1 2025.

Footnote. Article 1 as amended by the laws of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2018); dated 03.07.2019 № 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021);

Article 2. To establish that:

1) subparagraph 7) of paragraph 4 of Article 69, subparagraph 3) of paragraph 1 of Article 82, paragraph 8 of Article 116, paragraph 8 of Article 121, subparagraph 7) of part one of paragraph 4 of Article 215, subparagraph 24) of paragraph 2 of Article 225, paragraph 8 of Article 250, part two of paragraph 1 of Article 298, subparagraph 34) of paragraph 5 of Article 372, subparagraph 14) of Article 394 of the Tax Code are valid until January 1, 2019;

2) part two of subparagraph 13) of part one of Article 24, item four of subparagraph 2) of paragraph 3 of Article 74, Clause 4 of Chapter 9, subparagraphs 7) and 9) of paragraph 1 of Article 88, item thirteen of subparagraph 1) of paragraph 1 of Article 189, paragraph 3 of Article 222, paragraph 9 of Article 228, paragraph 5 of Article 229, paragraphs 3 and 4, subparagraph 11) of paragraph 5 of Article 232, parts three and four of paragraph 1 of Article 233, part four of paragraph 1, paragraph 4 of Article 250, subparagraph 3) of paragraph 1 and paragraph 4 of Article 293, subparagraph 8) of paragraph 2 of Article 307, subparagraphs 32) and 33) of paragraph 5 of Article 372, subparagraph 4) of paragraph 2 of Article 510, subparagraph 11) of paragraph 3 of Article 521, Articles 539 and 540, Section 17, subparagraphs 13) and 14) of paragraph 9 of Article 645, subparagraphs 11) and 12) of Article 654 of the Tax Code are valid until January 1, 2020, and, on January 1, 2020 the headings of Clause 4 of Chapter 9, Articles 539 and 540, Section 17 shall be removed from the Table of Contents of the Tax Code;

3) paragraph 12 of Article 26, item thirteen of subparagraph 1) of paragraph 1 of Article 189, subparagraph 14) of paragraph 1 of Article 341, subparagraph 28) of paragraph 5 of Article 372 of the Tax Code shall be valid until January 1, 2021;

4) Articles 427 and 428 of the Tax Code shall be valid until January 1, 2025;

5) subparagraph 6) of paragraph 1 of Article 288, subparagraph 2) of paragraph 1 and paragraph 3 of Article 293, items seven and eight of part one and part two of paragraph 2 of Article 636, Chapter 77-1 of the Tax Code shall be valid until January 1, 2023;

6) subparagraphs 25) and 27) of paragraph 2 of Article 225, paragraph 2, subparagraph 9-1) paragraph 5 of Article 232, parts two, three and four of paragraph 1 of Article 241, part four of paragraph 1, paragraph 2 of Article 250, subparagraph 20) of Article 264, subparagraph 10) of paragraph 2 of Article 288, Article 292, paragraph 11 of Article 300, subparagraphs 15) and 16) of paragraph 2 of Article 307, subparagraphs 19), 20) and 42) of paragraph 2 of Article 319, subparagraph 41) of Article 394, subparagraphs 2) and 3) of paragraph 2 of Article 407, subparagraph 29) of Article 616 of the Tax Code shall be valid until January 1, 2027, by excluding from January 1, 2027 in the Table of Contents of the Tax Code the heading of Article 292.

Footnote. Article 2 as amended by Laws of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (to be enacted from 01.01.2018); № 168-VI as of 02.07.2018 (to be enacted ten calendar days after its first official publication); dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021); dated 20.12.2021 № 85-VII (shall come into force from 01.12.2021); dated 12.12.2023 № 45-VIII (shall be enforced from 01.01.2024).

Article 3. To suspend:

1) until July 1, 2018 - subparagraph 37) of paragraph 1 of Article 1 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“37) oil treatment - a set of technological processes for the treatment of oil, including its gathering, delivery for treatment, inflow of borehole fluid into measuring units, degassing, dehydration, desalination, stabilization, demercaptanization;”;

2) until January 1, 2020, the effect of subparagraphs 60) and 73) of paragraph 1 of Article 1 of the Tax Code, establishing that during the period of suspension, these subparagraphs are valid in the following edition:

“60) electronic digital signature of a taxpayer - a sequence of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its belonging to a taxpayer and invariability of its content;”;

“73) electronic taxpayer - a taxpayer interacting with tax authorities electronically on the basis of a tax application for registration as an electronic taxpayer in accordance with the procedure set forth in this Code;”;

3) until January 1, 2023, the effect of subparagraph 3) of paragraph 1 of Article 1 of the Tax Code, establishing that during the period of suspension this subparagraph is valid in the following edition:

"3) social payments - compulsory pension contributions, compulsory professional pension contributions paid in accordance with the legislation of the Republic of Kazakhstan on pension provision, social contributions paid in accordance with the Law of the Republic of Kazakhstan "On compulsory social insurance", deductions for compulsory social health insurance, paid in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance";"

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 287-VI (shall be enforced from 01.01.2020).

Article 4. To suspend until January 1, 2020, the effect of Article 3 of the Tax Code, establishing that during the period of suspension this article is valid in the following edition:

"Article 3. Effect of the tax legislation of the Republic of Kazakhstan

1. The tax legislation of the Republic of Kazakhstan is valid throughout the territory of the Republic of Kazakhstan and applies to individuals, legal entities and their structural units.

2. Legislative acts of the Republic of Kazakhstan making changes and additions to this Code, with the exception of changes and additions on tax administration, the specifics of establishing tax reporting, improving the situation of taxpayers (tax agents), as well as when changing the administrative-territorial structure of the Republic of Kazakhstan, may be adopted not later than December 1 of the current year and entered into force not earlier than January 1 of the year following the year of their adoption. "

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 № 291-VI (shall be enforced from 01.01.2019).

Article 5. To suspend, until January 1, 2019, part two of subparagraph 3) of paragraph 1 of Article 19 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“The exception set forth in part one of this subparagraph does not apply to the tax authorities’ requirements specified in the course of a tax audit in respect of income and expenses;”.

Article 5-1. To suspend until January 1, 2025 the validity of subparagraph 23) of Article 24 of the Tax Code, having established that during the period of suspension, this subparagraph shall be valid as follows:

1) from January 1 2022 to January 1, 2023:

"23) when identifying operations that have signs of receiving income from entrepreneurial activities according to certain criteria established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan, to provide information on the following individuals:

persons holding responsible public office and their spouses;

persons authorized to perform public functions and their spouses;

persons equated to persons authorized to perform public functions, and their spouses;

persons who are obliged to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On Banks and Banking Activities in the Republic of Kazakhstan", "On insurance activities", "On securities market".

The criteria for classifying operations carried out on bank accounts of individuals as transactions that have signs of receiving income from entrepreneurial activities, the procedure, form and terms for submitting information shall be established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan.";

2) from January 1, 2023 to January 1, 2024:

"23) when identifying operations that have signs of receiving income from entrepreneurial activities according to certain criteria established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan, to provide information on the following individuals:

persons holding responsible public office and their spouses;

persons authorized to perform public functions and their spouses;

persons equated to persons authorized to perform public functions, and their spouses;

persons who are obliged to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" and законами of the Republic of Kazakhstan "On combating corruption", "On Banks and Banking Activities in the Republic of Kazakhstan", "On insurance activities", "On securities market";

employees of state institutions and their spouses, as well as employees of subjects of the quasi-public sector and their spouses, with the exception of persons specified in subparagraph 1) of part one of this article.

The criteria for classifying transactions carried out on bank accounts of individuals as transactions that have signs of receiving income from entrepreneurial activities, the procedure, form and terms for submitting information shall be established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan.";

3) from January 1, 2024 to January 1, 2025:

"23) when identifying transactions that have signs of receiving income from entrepreneurial activities according to certain criteria established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan, to provide information on the following individuals:

persons holding responsible public office and their spouses;

persons authorized to perform public functions and their spouses;

persons equated to persons authorized to perform public functions, and their spouses;

persons who are obliged to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" and законами of the Republic of Kazakhstan ""On combating corruption", "On Banks and

Banking Activities in the Republic of Kazakhstan", "On insurance activities", "On securities market";

employees of state institutions and their spouses, as well as employees of subjects of the quasi-public sector and their spouses, with the exception of persons specified in subparagraph 1) of part one of this article;

heads, founders (participants) of legal entities and their spouses, individual entrepreneurs and their spouses, with the exception of persons specified in subparagraphs 1) and 2) of part one of this article.

The criteria for classifying operations carried out on bank accounts of individuals as transactions that have signs of receiving income from entrepreneurial activities, the procedure, form and terms for submitting information shall be established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan.

Footnote. The Law was amended with Article 5-1, in accordance with the Law of the Republic of Kazakhstan dated 20.12.2021 № 85-VII (shall come into force from 01.01.2022). Article 6. To suspend, until January 1, 2019, subparagraph 11) of paragraph 3 of Article 30 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“11) the National Bank of the Republic of Kazakhstan with regard to information necessary to control the satisfaction of the requirement to repatriation of the national and foreign currency and its transfer to authorized banks that are currency control agents.

The procedure for submitting information constituting a tax secret is determined by rules for the execution of export-import currency control in the Republic of Kazakhstan and residents' obtainment of account numbers of export and import contracts approved by the National Bank of the Republic of Kazakhstan in coordination with the authorized body;”.

Article 6-1. To suspend from January 1, 2018 to January 1, 2020, the effect of article 41 of the Tax Code, establishing that during the period of suspension, this article is valid in the following edition:

"Article 41. Specifics of the fulfillment of the tax obligation when transferring property to trust management by state institutions and certain categories of legal entities

1. When state institutions transfer property into trust management, the tax obligations on property tax, land tax and vehicle tax are subject to fulfillment by the trustee, unless otherwise provided for by the contract of trust management of property (the act on the establishment of trust management of property) or paragraph 2 of this article.

2. The tax obligation on taxes specified in paragraph 1 of this article, and payment for the use of a land plot for trust management activities, may be fulfilled by a trustee if the following conditions are simultaneously met:

- 1) the founder of the trust management is:
 - a national management holding or
 - a national company or

a legal entity, fifty or more percent of the voting shares of which belong to a national management holding or a national company,

or

a legal entity, fifty or more percent of the shares in the authorized capital of which belong to a national management holding or a national company;

2) the property received in trust management is subject to accounting by the trustee as part of fixed assets, investments in real estate in accordance with the international financial reporting standards and the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting.

3. The trustee fulfills tax obligations, unless otherwise provided for by the contract of trust management of property (the act on the establishment of trust management of property), for the calculation and payment of taxes, preparation and submission of tax reports from the date of:

the state registration of the right of trust management - if, in accordance with the legislation of the Republic of Kazakhstan, a state registration of such a right is required;

conclusion of an agreement on trust management of property (the act on the establishment of trust management of property) - if, in accordance with the legislation of the Republic of Kazakhstan, a state registration of the right of trust management is not required.

4. Trustee:fulfills tax obligations, unless otherwise established by the contract of trust management of property (the act on the establishment of trust management of property), for the calculation and payment of taxes, preparation and submission of tax reports on his own behalf, at rates and in the manner established by the Special part of this Code for persons, that include such a trustee;

is obliged to keep separate records in accordance with Article 194 of this Code in order to fulfill the tax obligation when transferring property to trust management.

5. If, when state institutions transfer property into trust management, the property of a state institution is not accounted by the trustee as part of fixed assets, investments in real estate in accordance with the international financial reporting standards and the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting, then the act of acceptance and transfer of such property must reflect the book value of such property as of the date of its preparation."

Footnote. The Law was supplemented with Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 7. To suspend, until January 1, 2020, Article 48 of the Tax Code, and to establish that during the period of suspension this article shall read as follows:

“Article 48. Limitation period for a tax obligation and claim

1. The limitation period for a tax obligation and claim is the period of time during which:

1) a tax authority has the right to calculate, assess or revise the calculated, assessed amount of taxes and payments to the budget;

2) a taxpayer (tax agent) is obliged to file tax returns, has the right to introduce alterations and additions to tax returns, to revoke tax returns;

3) a taxpayer (tax agent) has the right to require the offset and (or) refund of taxes and payments to the budget, penalties.

2. Unless otherwise provided for by this article, the limitation period is five years. The running of the limitation period begins after the end of a relevant taxable period, except for the cases provided for by paragraphs 4, 5, 6 and 10 of this article.

3. A taxpayer, a tax authority have the right to calculate, assess or revise the calculated, assessed amount of taxes:

1) when applying Chapter 80 of this Code to taxes specified in an investment contract providing for the implementation of a priority investment project, during the validity period of such a contract and five years from the date of expiration or other termination of an investment contract;

2) when applying subparagraph 4) of paragraph 1 of Article 288 of this Code - during the period of training of an individual and five years from the date of completion of training of an individual.

4. With regard to taxpayers carrying out activities in accordance with a subsoil use contract, a tax authority is entitled to assess or revise the calculated, assessed amount of a tax on excess profits, on shares of the Republic of Kazakhstan in production sharing, taxes and payments to the budget, the calculation methodology of which uses one of the following indicators: internal rate of return (IRR) or internal revenue rate or R-factor (index of profitability) - during the validity term of a subsoil use contract and five years after the termination of a subsoil use contract.

5. The running of the limitation period begins in the cases of:

1) application of paragraph 1 of Article 432 of this Code to a tax obligation and claim for the return of excess amount of VAT for the period of construction of buildings and industrial facilities - at the end of a taxable period, during which such buildings and facilities were first put into operation in the territory of the Republic of Kazakhstan;

2) application of paragraph 2 of Article 432 of this Code to a tax obligation and claim for the return of excess amount of VAT for the period of geological exploration and development of a deposit - at the end of a taxable period, during which the export of minerals extracted under a relevant contract for subsoil use, except for common minerals, groundwater and therapeutic mud, began.

If the export took place before January 1, 2016, the limitation period begins on January 1, 2016;

3) refund and (or) offset, in accordance with Article 104 of this Code, of the confirmed excess amount of VAT specified in Article 432 of this Code - at the end of a taxable period,

during which the reliability of excess amount of VAT was confirmed, also pursuant to an appeal against results of a tax audit in accordance with the legislation of the Republic of Kazakhstan.

6. For the purposes of calculating or revising the calculated, assessed amount of VAT specified in subparagraphs 1) and 2) of paragraph 5 of this article, the limitation period begins at the end of a taxable period, during which the taxpayer submits a VAT declaration with a claim to return the excess amount of VAT.

7. The limitation period shall be extended:

1) for one calendar year - in the case of filing by a taxpayer (tax agent) of additional tax returns for the period, for which the limitation period, set forth in paragraph 2 of this article, expires in less than one calendar year, with regard to the assessment and (or) revision of the calculated amount of taxes and payments to the budget;

2) for three calendar years - in case a taxpayer files additional tax returns with alterations and additions regarding the transfer of losses for the period, for which the period of limitation of actions set forth in paragraph 2 of this article, expires in less than one calendar year, with regard to the assessment and (or) revision of the calculated amount of corporate income tax to the budget;

3) before the execution of a decision made subsequent to the results of consideration of a complaint (application), in cases of:

appeal of a taxpayer (tax agent) against an audit findings report in accordance with the procedure established by the legislation of the Republic of Kazakhstan, as well as actions (inaction) of officials of tax authorities – with regard to the part under appeal;

consideration of a tax application of a non-resident for the return of income tax from the budget under an international treaty;

appeal by a non-resident, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, against the decision of a tax authority made subsequent to the results of consideration of a tax application for the return of income tax from the budget under an international treaty;

appeal by a non-resident against the decision of the authorized body made subsequent to the results of consideration of a non-resident's complaint specified in item four of this subparagraph;

4) before the execution of a decision of the authorized body and (or) competent authority of a foreign state adopted following the results of a coordination procedure – if the authorized body conducts the coordination procedure in accordance with Article 221 of this Code;

5) prior to the execution of the notification on elimination of violations revealed by the tax authorities based on the results of an in-house audit, sent and delivered before the expiration of the statute of limitations on the issue specified in such notification;

6) from the day of delivering recommendations on the results of horizontal monitoring until a decision on the results of horizontal monitoring is made;

7) if an investor initiated proceedings in international arbitration tribunal, a tax authority has the right to assess or revise the calculated, assessed amount of taxes and payments to the budget of the taxpayer, over which the investor initiated proceedings, for the period running from the beginning of that the investor complains of and until a final and binding court judgment is delivered on such arbitration proceedings - within five years after the completion of such arbitration proceedings.

8. The limitation period for calculating or revising the calculated, assessed amount of taxes and payments to the budget is suspended for the period:

1) of preparing and submitting a written objection by a taxpayer (tax agent) to the preliminary act of a tax audit and its consideration by a tax authority in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

2) of sending requests and receiving documents and (or) information on them during a tax audit in accordance with the legislation of the Republic of Kazakhstan on transfer pricing.

In such cases, the general limitation period for the revision of the calculated, assessed amount of taxes and payments to the budget, taking into account its suspension, may not exceed seven years;

3) of time from the date of completion of a tax audit until completion of criminal proceedings, in case a tax audit is conducted as part of pre-trial investigation.

9. The assessed amount of taxes and payments to the budget for the action (actions) of issuing an invoice with regard to a private business entity without actual shipment of goods, performance of works, provision of services, is calculated or revised by a tax authority for a tax obligation and (or) a demand pursuant to a final and binding court judgment, a sentence, or a court decision within the limitation period.

10. The amount of a tax and a payment to the budget, penalties paid in excess (erroneously) is subject to offset and (or) return within the amounts paid during a current year and previous five calendar years, except for the case specified in Article 108 of this Code.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2020).

Article 7-1. Despite the provisions of parts one and two of paragraph 2 of Article 82 of the Tax Code, to establish that in the period from January 1, 2023, to May 1, 2023, there is no obligation to submit a tax application for registration of value added tax for taxpayers who submitted for the transition for a special tax regime of retail tax, a notice of the applicable tax regime in connection with the implementation exclusively of one or more of the following activities in the field of public catering:

№	CCEA	Activities
1.	55.10.1*	Provision of services by hotels with restaurants, except for hotels located on the roadside
2.	55.10.3*	Providing hotel services with restaurants for official events

3.	56.10.1	The activities of restaurants and the provision of food delivery services, except for the activities of facilities located on the roadside
4.	56.10.2	Activities of restaurants and provision of food delivery services by objects located on the roadside
5.	56.21.0	Delivery of ready food to order and other catering activities
6.	56.29.1	Other types of catering outside populated areas
7.	56.29.2	Other types of catering on passenger trains
8.	56.29.9	Other food provision activities not elsewhere classified

*except for the provision of services by hotels (hotel services).

Footnote. The law is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 20.03.2023 № 213-VII (shall come into effect from 01.01.2023).

Article 7-2. Despite the provisions of part three of paragraph 1 of Article 85 of the Tax Code, to establish that in the period from January 1, 2023, to May 1, 2023, taxpayers applying the provisions of part two of paragraph 8-1 of Article 679 of the Tax Code, a tax application for registration of tax on the added value shall be presented on the day of submission of the notice of the applied taxation regime specified in Article 57-16 of this Law.

Footnote. The law is supplemented by Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 03/20/2023 № 213-VII (shall come into effect from 01.01.2023).

Article 8. To suspend, until January 1, 2019, paragraphs 1 and 2 of Article 104 of the Tax Code, and to establish that during the period of suspension these paragraphs shall read as follows:

“1. An excess VAT amount is refunded at a VAT payer’s request for the return of the excess VAT amount specified in VAT declaration in accordance with Articles 431, 432 and 434 of this Code pursuant to a submitted tax application by conducting an offset provided for by Article 102 of this Code and (or) transferring it to the taxpayer’s bank account.

2. An excess VAT amount subject to refund in accordance with Articles 429, 431, 432 and 434 of this Code shall not exceed excess VAT amount available in a VAT personal account as of the date of drawing up a payment document on excess VAT refund by a tax authority.”.

Article 9. To suspend, until January 1, 2019, subparagraph 7) of paragraph 2 of Article 114 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“7) of tax debts’ payment - within five business days from the tax debts’ emergence;”.

Article 10. To suspend, until January 1, 2020, item three of subparagraph 2) of part two of paragraph 1 of Article 115 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“This method applies to a taxpayer registered as an electronic taxpayer in accordance with the procedure set forth in Article 86 of this Code;”.

Article 11. To suspend, until January 1, 2019, part two of paragraph 2 and paragraph 5 of Article 116 of the Tax Code, and to establish that during the period of suspension these provisions shall read as follows:

“Before applying methods for securing the fulfillment of the overdue tax obligation specified in subparagraphs 2), 3) and 4) of part one of paragraph 1 of this article, a notice of the payment of tax debts, specified in subparagraph 7) of paragraph 2 of Article 114 of this Code, shall be sent to a taxpayer (tax agent), except for cases specified in paragraph 3 of this article.”;

“5. In case of an appeal against an audit findings report, the application of methods for securing the fulfillment of an overdue tax obligation, except for the method specified in subparagraph 4) of part one of paragraph 1 of this article, shall be suspended pending a decision on the results of the complaint’s consideration.”.

Article 12. To suspend, until January 1, 2019, subparagraph 3) of paragraph 1 of Article 118 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“3) failure to pay tax debts - upon expiration of ten business days from the delivery of the notice provided for in subparagraph 7) of paragraph 2 of Article 114 of this Code;”.

Article 13. To suspend, until January 1, 2019, part one of paragraph 1 of Article 119 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“1. In case of failure to pay tax arrears within ten business days from the receipt of a notice of the payment of tax debts, a tax authority, to secure the payment of tax debts, shall suspend debit transactions with the cash of a taxpayer (tax agent) that is a legal entity, a structural unit of a legal entity, a non-resident operating in the Republic of Kazakhstan through a permanent establishment, an individual entrepreneur, a private practice owner.”.

Article 14. To suspend:

1) until January 1, 2019, subparagraph 1) and item three of part two of subparagraph 2) of paragraph 1 of Article 120 of the Tax Code, and to establish that during the period of suspension these provisions shall read as follows:

“1) failure to pay tax debts upon expiration of fifteen business days from the receipt of a notice of the payment of tax debts;”;

“from the removal of a taxpayer (tax agent) from the list of taxpayers, of large taxpayers subject to monitoring.”.

2) until January 1, 2020, subparagraph 2) of paragraph 5 of Article 120 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“2) electronically - on the date of delivery of the tax authority’s decision to the web application. This method applies to a taxpayer registered as an electronic taxpayer in accordance with the procedure set forth in Article 86 of this Code;”.

Article 15. To suspend, until January 1, 2019, part one of paragraph 1 of Article 121 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“1. Tax authorities take actions on enforced collection of tax debts of a taxpayer that is a legal entity, a structural unit of a legal entity, a non-resident operating in the Republic of Kazakhstan through a permanent establishment, an individual entrepreneur, a private practice owner, except for cases of an appeal against an audit findings report, a higher-level tax authority’s decision issued after consideration of a complaint about the report.”.

Article 16. To suspend, until January 1, 2019, part one of paragraph 1 of Article 122 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“1. In cases of non-payment or incomplete payment of tax debts after the expiration of twenty business days from the delivery of a notice of the payment of tax debts, a tax authority takes actions of enforced collection of the amount of tax debts from bank accounts of a taxpayer that is a legal entity, a structural unit of a legal entity, a non-resident operating in the Republic of Kazakhstan through a permanent establishment, an individual entrepreneur, a private practice owner.”.

Article 17. To suspend, until January 1, 2019, paragraph 1 of Article 123 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“1. If a taxpayer (tax agent) that is a legal entity, a structural unit of a legal entity, a non-resident operating in the Republic of Kazakhstan through a permanent establishment, an individual entrepreneur, a private practice owner has no or insufficient money in bank accounts or has no bank accounts, a tax authority forecloses on money in bank accounts of third parties indebted to the taxpayer (tax agent) (hereinafter referred to as debtors) up to the amount of his/her/its current tax debts.”.

Article 18. To suspend, until January 1, 2019, paragraph 1 of Article 124 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“1. If there is no or insufficient money in bank accounts of a taxpayer specified in paragraph 1 of Article 121 of this Code, or in bank accounts of his/her/its debtors or if a taxpayer or his/her/its debtors have no bank accounts, a tax authority, without the taxpayer’s consent, shall issue an order for foreclosure on the taxpayer’s restricted property.

The order for foreclosure on the taxpayer’s restricted property is issued in the form approved by the authorized body in two copies, one of which is sent to an authorized legal entity together with a copy of a decision to impose restrictions on the disposal of property and a copy of an inventory report.”.

Article 19. To suspend, until January 1, 2019, Chapter 17 of the Tax Code, and to establish that during the period of suspension this Chapter shall read as follows:

“Chapter 17. Risk Management System

Article 136. General provisions

1. A risk management system is based on risk assessment and includes measures developed and/or applied by tax authorities in order to identify and prevent risks. Based on the results of risk assessment, differentiated forms of tax control are implemented.

2. A risk is probability of non-fulfillment and (or) incomplete fulfillment of the tax obligation by a taxpayer (tax agent), which could and (or) may cause damage to the state.

3. Tax authorities apply the risk management system pursuing the goal of:

1) focusing on areas of increased risk and ensuring more efficient use of available resources;

2) increasing opportunities for identification of violations in the field of taxation.

4. The risk management system is used in the implementation of tax control, also in order to:

1) select taxpayers (tax agents) for conducting tax audits;

2) confirm the reliability of excess VAT amounts;

3) determine the degree of risk of a violation identified pursuant to the results of an in-house audit;

4) determine the right to a simplified procedure for the refund of excess VAT amount with account of the provisions of Article 434 of this Code.

5. The risk management system can be implemented using information systems.

Article 137. Criteria for the degree of risk

Tax authorities analyze the data of tax returns filed by a taxpayer (tax agent), information received from authorized state bodies, as well as other documents and (or) information on the activities of the taxpayer (tax agent).

The results of such analysis are used by tax authorities to achieve the goals specified in Article 136 of this Code.

Criteria for the degree of risks used for the purposes specified in subparagraphs 1) and 3) of paragraph 4 of Article 136 of this Code are confidential (insider) information, except for the criteria approved by the authorized body jointly with the authorized body on entrepreneurship.

Criteria for the degree of risk and the procedure for the application of the risk management system in order to confirm the reliability of excess VAT amounts are determined by the authorized body.”.

Article 20. To suspend, until January 1, 2020, subparagraph 17) of paragraph 1 of Article 142 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“17) the existence and authenticity of excise and inventory-control stamps, accompanying notes for alcohol products, oil products and biofuels, tobacco products, the availability of a license;”.

Article 21. To suspend, until January 1, 2019, paragraph 7 of Article 146 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“7. Time limits for conducting, extending and suspending thematic audits to confirm the reliability of excess VAT amounts claimed for refund shall be established within time frames specified in Article 431 of this Code.”

Article 22. To suspend until January 1, 2020, the effect of Article 166 of the Tax Code, establishing that during the period of suspension this article is valid in the following edition:

1) from January 1, 2018 until January 1, 2019:

“Article 166. General provisions

1. It is mandatory to use cash registers for monetary transactions in the territory of the Republic of Kazakhstan, unless otherwise provided for by this article.

2. The provisions of paragraph 1 of this article do not apply to monetary transactions:

1) of individuals;

2) of lawyers and mediators;

3) of individual entrepreneurs (except for those selling excisable goods) that carry out their activities:

applying a patent-based special tax regime;

under a special tax regime for small business entities through non-stationary trade facilities in the territory of outdoor markets;

under a special tax regime based on the payment of a uniform land tax on activities covered by this special tax regime;

4) in respect of services to the population for public urban transportation involving the issuance of tickets in the form approved by the authorized state body implementing the state policy in the field of transport, in coordination with the authorized body;

5) of the National Bank of the Republic of Kazakhstan;

6) of second-tier banks.

3. Tax authorities’ registration of cash registers used by taxpayers includes:

1) the registration of a cash register;

2) update of registration data;

3) deregistration of a cash register.

4. Vending machines and self-service payment terminals performing monetary transactions in trade operations or providing services for cash shall be equipped with cash-registers.

5. The obligation to use cash registers with a function of data recording and (or) transfer in monetary transactions extends to taxpayers engaged in wholesale and (or) retail sales of gasoline (except for aviation fuel), diesel fuel, alcohol products, types of activities established by the authorized body.

The provisions of this paragraph shall not apply to taxpayers operating in places without a public telecommunications network.

Information on administrative and territorial units of the Republic of Kazakhstan without public telecommunications networks is subject to placement on the website of the authorized body.

6. Following requirements are set for the use of cash registers:

1) a cash register shall be registered with a tax authority before the commencement of an activity involving monetary transactions;

2) a cash register receipt or a sales receipt shall be issued for an amount paid for a product, work or service;

3) tax officials shall be provided access to a cash register.

7. A cash register receipt shall contain the following information:

1) the name of a taxpayer;

2) taxpayer identification number;

3) the serial number of a cash register;

4) registration number of a cash register with a tax authority;

5) receipt number;

6) the date and time goods were purchased, works performed, services rendered;

7) the price of a commodity, work, service and (or) the purchase amount;

8) a fiscal sign;

9) the name of a fiscal data operator and the details of the website of the fiscal data operator to verify the authenticity of a receipt issued by cash registers with the function of data recording and (or) transfer.

The form and contents of a receipt of hardware-software complexes used by banks and organizations carrying out certain types of banking operations are established by the National Bank of the Republic of Kazakhstan in coordination with the authorized body.

A cash register receipt used in currency exchange offices, reception points of metal scrap, glassware, pawnshops, must contain additional information on the amounts of sale and purchase.

8. A cash register receipt may contain additional data provided for by technical documents of a cash register's manufacturer, including VAT amount.

9. The procedure for the use of cash registers is determined by the authorized body.”;

2) from January 1, 2019 until January 1, 2020:

“Article 166. General provisions

1. It is mandatory to use cash registers for monetary transactions in the territory of the Republic of Kazakhstan, unless otherwise provided for by this article.

2. The provisions of paragraph 1 of this article do not apply to monetary transactions:

1) of individuals;

2) of lawyers and mediators; 3)

3) of individual entrepreneurs (except for those selling excisable goods) that carry out their activities:

applying a patent-based special tax regime;

under a special tax regime based on the payment of a uniform land tax on activities covered by this special tax regime;

4) in respect of services to the population for public urban transportation involving the issuance of tickets in the form approved by the authorized state body implementing the state policy in the field of transport, in coordination with the authorized body;

5) of the National Bank of the Republic of Kazakhstan;

6) of second-tier banks.

3. Tax authorities' registration of cash registers used by taxpayers includes:

1) the registration of a cash register;

2) update of registration data;

3) deregistration of a cash register.

4. Vending machines and self-service payment terminals performing monetary transactions in trade operations or providing services for cash shall be equipped with cash-registers.

5. The obligation to use cash registers with a function of data recording and (or) transfer in monetary transactions extends to taxpayers engaged in wholesale and (or) retail sales of gasoline (except for aviation fuel), diesel fuel, alcohol products, types of activities established by the authorized body.

The provisions of this paragraph shall not apply to taxpayers operating in places without a public telecommunications network.

Information on administrative and territorial units of the Republic of Kazakhstan without public telecommunications networks is subject to placement on the website of the authorized body.

6. Following requirements are set for the use of cash registers:

1) a cash register shall be registered with a tax authority before the commencement of an activity involving monetary transactions;

2) a cash register receipt or a sales receipt shall be issued for an amount paid for a product, work or service;

3) tax officials shall be provided access to a cash register.

7. A cash register receipt shall contain the following information:

1) the name of a taxpayer;

2) taxpayer identification number;

3) the serial number of a cash register;

4) registration number of a cash register with a tax authority;

5) receipt number;

6) the date and time goods were purchased, works performed, services rendered;

7) the price of goods, work, services per unit;

8) a fiscal sign;

9) the name of a fiscal data operator and the details of the website of the fiscal data operator to verify the authenticity of a receipt issued by cash registers with the function of data recording and (or) transfer.

10) the name of goods, work, service;

11) the number of purchased goods, works, services, unit of their measurement;

12) the total amount of the sale of goods, work, service;

13) the amount of value added tax with an indication of the rate for the turnover taxable with value added tax on the sale of goods, works, services - if the taxpayer is a payer of value added tax;

14) the address of the place of use of the cash register;

15) a bar code containing encoded information on the check of the cash register.

The provisions of subparagraphs 9) and 15) of part one of this paragraph do not apply to checks of cash registers without a data transmitting function.

The form and contents of a receipt of hardware-software complexes used by banks and organizations carrying out certain types of banking operations are established by the National Bank of the Republic of Kazakhstan in coordination with the authorized body.

A cash register receipt used in currency exchange offices, reception points of metal scrap, glassware, pawnshops, must contain additional information on the amounts of sale and purchase.

8. A cash register receipt may contain additional data provided for by technical documents of a cash register's manufacturer, including VAT amount.

9. The procedure for the use of cash registers is determined by the authorized body.”.

3) is excluded by the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2019).

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2019).

Article 23. To suspend until January 1, 2019, the effect of Articles 167, 168 and 169 of the Tax Code, establishing that during the period of suspension, these articles are valid in the following edition:

“Article 167. Registration of cash registers by a tax authority

1. Serviceable cash registers with the function of data recording and (or) transfer, the models of which are entered into the state register, except for the case established by this paragraph, shall be registered by tax authorities at the place of their use.

In places without a public telecommunications network, cash registers without a data transfer function shall be registered by tax authorities.

2. For tax authorities' registration of a cash register with the function of data recording and (or) transfer, except for hardware-software complexes, a taxpayer shall submit to a tax authority:

1) a tax application for registering a cash register by a tax authority;

- 2) a cash register containing information on a taxpayer;
 - 3) a sales receipt book that is numbered, bound, signed and (or) sealed (if a seal is available) by the taxpayer.
3. To register a cash register that is a hardware-software complex with a data transfer function, a taxpayer submits to a tax authority:
- 1) a tax application for registering a cash register by a tax authority;
 - 2) a brief description of the functionality and performance specifications of the hardware-software complex;
 - 3) a handbook on the “Tax Inspector Workplace” module of the hardware-software complex, the model of which is submitted for registration, and provides access to it.
4. To register a cash register without a data transfer function, except for hardware-software complexes used in places without a public telecommunications network, a taxpayer submits to a tax authority:
- 1) a tax application for registering a cash register by a tax authority;
 - 2) a cash register containing information on the taxpayer, the input of which is possible without setting a fiscal mode;
 - 3) a cash book and sales receipt book that are numbered, bound, signed and (or) sealed (if a seal is available) by the taxpayer.
5. To register a cash register that is a hardware-software complex without a data transfer function used in places without a public telecommunications network, a taxpayer submits to a tax authority the following documents:
- 1) a tax application for registering a cash register by a tax authority;
 - 2) a brief description of the functionality and performance specifications of the hardware-software complex;
 - 3) a handbook on the “Tax Inspector Workplace” module of the hardware-software complex, the model of which is submitted for registration.
6. Tax authorities shall register a cash register within three business days from the receipt of a tax application for registering a cash register by a tax authority.
7. Registered cash registers are assigned a registration number and a cash register’s registration card is created within three business days from the receipt of the tax application for registering a cash register by a tax authority.
8. The forms of a cash register’s registration card, a sales receipt, a cash book and a sales receipt book are approved by the authorized body.

Article 168. Update of registration data of a cash register

1. Information indicated in a cash register’s registration card shall be updated after a taxpayer in person, without prior arrangement, submits to a tax authority a hard copy of:
 - 1) a tax application for registering a cash register by a tax authority;
 - 2) the registration card of a cash register.

2. A taxpayer shall update information indicated in the registration card of the cash register within five business days from the date of changes.

3. A tax authority at the place of registration of a cash register shall replace a registration card in case of:

1) loss of (damage to) the registration card - within three business days from the receipt of the tax application specified in subparagraph 1) of paragraph 1 of this article;

2) changes in the information specified in the registration card - within three business days from the receipt of the tax application specified in subparagraph 1) of paragraph 1 of this article.

4. When issuing a new registration card of a cash register, the registration card of the cash register earlier issued by a tax authority is to be returned to the tax authority, except for cases when the specified registration card of the cash register was lost (damaged) by the taxpayer.

Article 169. Deregistration of a cash register by a tax authority

1. A cash register is deregistered in case of:

1) termination of activity involving monetary transactions carried out during trade operations, performance of works, rendering of services;

2) change of the place of use of a cash register or the location of a taxpayer using a cash register in a vending machine or self-service payment terminal, if such a change requires the registration of a cash register by another tax authority;

3) impossibility of further use due to a technical malfunction of the cash register;

4) removal of the cash register from the state register;

5) replacement of a serviceable model of a cash register with a new model of a cash register;

6) theft, loss of a cash register given a copy of a complaint about theft filed with internal affairs agencies and (or) a copy of an announcement of its loss published in periodicals distributed throughout the territory of the Republic of Kazakhstan;

7) other cases that are not inconsistent with the tax legislation of the Republic of Kazakhstan.

2. To deregister a cash register, except for hardware-software complexes, a tax authority at the place of its use shall receive:

1) a tax application for deregistering a cash register;

2) a cash register;

3) a cash book that is numbered, bound, signed by an official and sealed by a tax authority

;

4) a sales receipt book that is numbered, bound, signed by an official and sealed by a tax authority;

5) the registration card of a cash register.

The provision of subparagraph 3) of part one of this paragraph does not apply to cash registers with the function of data recording and (or) transfer.

3. To deregister a cash register that is a hardware-software complex, a taxpayer submits a tax application for deregistering such a cash register, the registration card of the cash register to a tax authority and provides access to the “Tax Inspector Workplace” module.

4. A tax authority shall deregister a cash register within three business days from the receipt of a tax application for deregistering the cash register.”.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 24. To suspend, until January 1, 2020, subparagraph 4) of paragraph 15 of Article 172 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“4) the rules for issuing accompanying notes for certain types of excisable goods are established in accordance with the laws of the Republic of Kazakhstan governing the production and turnover of certain types of excisable goods.”.

Article 25. To suspend, until January 1, 2020, paragraph 2 of Article 204 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“2. Tax forms are compiled, signed, certified (by a seal in cases established by the legislation of the Republic of Kazakhstan or by electronic digital signature) by a taxpayer (tax agent) in hard and (or) soft copy in Kazakh and (or) Russian.”.

Article 26. To suspend, until January 1, 2020, item one of paragraph 3 of Article 206 of the Tax Code, and to establish that during the period of suspension this item shall read as follows:

“3. Tax returns, except for a declaration on indirect taxes on imported goods, an application for importation of goods and payment of indirect taxes, are divided into the following types:”.

Article 27. To suspend, until January 1, 2020, subparagraph 2) of paragraph 7 of Article 213 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“2) a payer of the tax on gambling business and (or) the fixed tax;”.

Article 28. To suspend, until January 1, 2020, item one of paragraph 6 of Article 228 of the Tax Code, and to establish that during the period of suspension this item shall read as follows:

“6. Unless otherwise specified in paragraph 9 of this article, the initial value of the assets specified in subparagraphs 1)-6) and 8) of paragraph 2 of this article shall be determined in the following order:”.

Article 29. To suspend, until January 1, 2027, item one and subparagraphs 4) and 5) of paragraph 5 of Article 232 of the Tax Code, and to establish that during the period of suspension these provisions shall read as follows:

“5. The amounts of provisions (reserves) allocated to deductibles in a reporting taxable period and (or) previous taxable periods in case of a decrease in the amount of claims to the debtor are not recognized as income from decreasing the amount of provisions (reserves)

created by a taxpayer entitled to deduct the amount of expenses for creating provisions (reserves) in accordance with paragraphs 1,2,3,6 and 7 of Article 250 of the Code, in case of:";

"4) a legally effective decision of a law enforcement officer on the return of an execution document to the taxpayer entitled to deduct the amount of expenses for creating provisions (reserves) in accordance with paragraphs 1,2,3,6 and 7 of Article 250 of the Code, if a debtor and third parties bearing joint or secondary liability to the taxpayer entitled to deduct the amount of expenses for creating provisions (reserves) in accordance with paragraphs 1,2,3,6 and 7 of Article 250 of this Code, have no property, including money, securities or income that can be foreclosed on, and the measures, provided for by the legislation of the Republic of Kazakhstan on Enforcement Proceedings and Status of Law Enforcement Agents, taken to identify his/her/its property or income have been ineffective;

5) a final and binding court judgment to refuse the taxpayer entitled to deduct the amount of expenses for creating provisions (reserves) in accordance with paragraphs 1,2,3,6 and 7 of Article 250 of this Code to foreclose on the debtor's property, including money, securities or income;"

Article 30. To suspend, until January 1, 2020, part one of paragraph 1 of Article 250 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

"1. Unless otherwise established by paragraph 3 of Article 232 of this Code, banks, except for a bank that is a national development institute, whose controlling interest belongs to a national management holding, are entitled to deduct the amount of expenses for provisions (reserves) created in accordance with the international standards of financial reporting and the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting and in the manner determined by the National Bank of the Republic of Kazakhstan in coordination with the authorized body."

Article 30-1. To suspend until January 1, 2021, the effect of:

1) the title of Article 255 of the Table of Contents of the Tax Code, establishing that during the period of suspension this title is valid in the following edition:

"Article 255. Deduction of certain types of expenses of a subsoil user, cargo carrier";

2) the title of Article 255 of the Tax Code, establishing that during the period of suspension, this title is valid in the following edition:

"Article 255. Deduction of certain types of expenses of a subsoil user, cargo carrier";

3) item one of paragraph 2 of Article 255 of the Tax Code, establishing that during the period of suspension, this item is valid in the following edition:

"2. Deduction of the expenses specified in paragraph 1 of this article should not exceed the amount of the positive difference determined in the following order:"

Footnote. The Law was supplemented with Article 30-1 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020).

Article 30-2. To suspend until January 1, 2025 the validity of paragraph 2 of Article 257 of the Tax Code, having established that during the period of suspension this paragraph shall be valid as follows:

"2. The expenses of a taxpayer in the form of payments to individuals specified in subparagraphs 1), 5), 7), 8), 9), 9-1), 10), 10-1) and 12) of paragraph 2 of Article 319, subparagraphs 42) and 44) of paragraph 1 of Article 341 of this Code shall be subject to the deduction."

Footnote. The Law was amended with Article 30-2 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2020); as amended by the Law of the Republic of Kazakhstan dated 24.06.2021 № 53-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication); dated 12.12.2023 № 45-VIII (shall be enforced from 01.01.2024).

Article 31. To suspend, until January 1, 2020, paragraph 2 of Article 257 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

"2. Subject to deduction are taxpayer's expenses in the form of payments to individuals specified in subparagraphs 1), 5), 7), 8), 9), 10) and 12) of paragraph 2 of Article 319, subparagraphs 42) and 44) of paragraph 1 of Article 341 of this Code."

Article 31-1. To suspend from January 1, 2019 to January 1, 2022, the effect of paragraph 7 of Article 268 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"7. Upon receipt of a fixed asset in connection with the reorganization by way of a merger, acquisition, division or separation of a taxpayer, the initial cost of such an asset shall be its book value indicated in the act of transfer or separation balance sheet, except for the cases provided for in parts two and three of this paragraph, taking into account actual costs that increase the value of such an asset upon initial recognition in accordance with international financial reporting standards and (or) the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting, except for costs (expenses) not included in the initial cost of fixed assets on the basis of paragraph 2 of this article.

The value balance of a subgroup (group) of a newly emerged legal entity created by merger, or a legal entity to which another legal entity has joined, increases by the value of the transferred fixed assets according to tax accounting data if such value is reflected in the transfer deed in accordance with part two of paragraph 6 of Article 270 of this Code.

The value balance of a subgroup (group) of a newly emerged legal entity created by separation in accordance with a decision of the Government of the Republic of Kazakhstan, or by separation from a legal entity that is monitored by large taxpayers at the date of reorganization, includes the value of transferred fixed assets according to tax accounting data in the event of reflection of such value in the transfer deed in accordance with parts two and three of paragraph 6 of Article 270 of this Code."

Footnote. The Law was supplemented with Article 31-1 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (for the procedure for enactment see Art. 2).

Article 31-2. To suspend from January 1, 2019 to January 1, 2022, the effect of paragraph 6 of Article 270 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"6. Unless otherwise provided by this paragraph, upon withdrawal of fixed assets as a result of reorganization through merger, affiliation, division or separation, the value balance of the subgroup (group) of the reorganized legal entity is reduced by the book value of the transferred assets indicated in the transfer deed or separation balance sheet.

In case of reorganization by separating a legal entity in accordance with the decision of the Government of the Republic of Kazakhstan or by separating from a legal entity that is monitored by large taxpayers at the date of reorganization, as well as in case of reorganization by merger, affiliation, the taxpayers have the right for tax accounting purposes to reflect in the transfer deed the value of the transferred fixed assets according to the tax accounting data of the reorganized legal entity:

1) for fixed assets of group I - the residual value of fixed assets, calculated in the manner specified in paragraph 3 of Article 267 of this Code;

2) for fixed assets of groups II, III, IV, subject to the transfer of all fixed assets of the group - the value of the value balance of the group, calculated in the manner specified in paragraph 8 of Article 267 of this Code. The provisions of this sub-paragraph also apply to the value balances of groups formed in accordance with the rules for maintaining a separate tax accounting provided for in Article 194 of this Code.

The value balance of a subgroup (group) of a legal entity reorganized through merger, affiliation, as well as separation in the cases specified in part two of this paragraph, is reduced by the value of the transferred fixed assets according to tax accounting data, reflected in the transfer deed in accordance with this paragraph."

Footnote. The Law was supplemented with Article 31-2 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

Article 31-3. To establish that the taxpayer has the right to deduct by calculating depreciation deductions in the manner prescribed by Section 7 of the Tax Code, also subsequent expenses incurred by the taxpayer to January 1, 2018 in relation to property received under a property lease (lease) agreement, except for a leasing agreement, recognized in accounting as a long-term asset, for which, as of January 1, 2018, depreciation charges determined in accordance with international financial reporting standards and the

requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting, were deductible.

Footnote. The Law was amended with Article 31-3 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2018).

Article 32. To suspend, until January 1, 2020, item one of paragraph 1 of Article 287 of the Tax Code, and to establish that during the period of suspension this item shall read as follows:

“1. Unless otherwise established by paragraph 3 of Article 232 of this Code, incomes or deductions are subject to adjustment in case of:”.

Article 32-1. To suspend from January 1, 2018 to January 1, 2020, the effect of paragraph 1 of Article 294 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"1. A person, controlled by a foreign company is a person that simultaneously meets the following conditions: 1) this person is one of the following entities:

a non-resident legal entity, with the exception of a non-resident legal entity registered in a foreign state, with which the Republic of Kazakhstan has concluded an international agreement regulating the issues of avoidance of double taxation and prevention of tax evasion ;

another foreign form of organization of entrepreneurial activity without forming a legal entity (hereinafter - another form of organization), with the exception of another form of organization registered in a foreign state, with which the Republic of Kazakhstan has concluded an international agreement, regulating the issues of avoidance of double taxation and prevention of tax evasion;

2) such a person meets one of the following conditions:

25 and more percent of the participation interest (voting shares) in the entity directly or indirectly, or constructively belong to a legal entity or individual that is a resident of the Republic of Kazakhstan (hereinafter for the purposes of this chapter - a resident);the person is associated with the resident through control (in the event that the resident has direct or indirect, or constructive control over the person);

3) such a person meets one of the following conditions:

the effective rate of income tax of a non-resident legal entity or another form of organization, determined in accordance with subparagraph 2) of paragraph 4 of this article, is less than 10 percent;

a non-resident legal entity or another form of organization is registered or the constituent document (the document of establishment) of which is registered, or the participant that is entrusted with keeping records of income and expenses or managing the assets for such another form of organization is registered in a state with preferential taxation. For the purpose of defining a controlled foreign company, the concept "control" is defined in accordance with subparagraph 3) of paragraph 4 of this article.

Footnote. The Law was supplemented with Article 32-1 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 32-2. To suspend from January 1, 2018 to January 1, 2020, the effect of paragraph 4 and subparagraph 6) of paragraph 10 of Article 297 of the Tax Code, establishing that during the period of suspension, these norms are valid in the following edition:

"4. A resident has the right to reduce the financial profit before taxation of a controlled foreign company by the following amounts if supporting documents are available:

1) the amounts of financial profit (loss) before taxation of subsidiaries, reduced by the amounts of profit (loss) from intragroup transactions, shares in the income of associates (joint ventures) recognized in the consolidated financial statements of a controlled foreign company, provided that the consolidated financial profit before taxation of a controlled foreign company takes into account such amounts. The provision of this subparagraph applies if the legislative acts of the state in which the controlled foreign company is registered establish an obligation to prepare the consolidated financial statements reflecting these subsidiaries (associates, joint ventures) without preparing separate unconsolidated financial statements;

2) the value, determined by the following formula:

$Y = FP \times (D / SSD)$, where: Y - the amount of the reduction; FP - the positive value of the financial profit before taxation of a controlled foreign company;

D - taxable income of a controlled foreign company from entrepreneurial activity in the Republic of Kazakhstan through a branch, representative office, regular institution, taxed in the Republic of Kazakhstan by the corporate income tax at a rate of 20 percent, provided that the financial profit before taxation of the controlled foreign company takes into account the taxable income specified in this subparagraph;

SSD - the total amount of income of a controlled foreign company or a regular institution of a controlled foreign company, reflected in the financial statements, confirmed by an audit, for the reporting tax period;

3) the value, determined by the following formula:

$Y = FP \times (D / SSD)$, where: Y - the amount of the reduction; FP - the positive value of the financial profit before taxation of a controlled foreign company;

D - income from the provision of services (performance of work) in the Republic of Kazakhstan without the formation of a regular institution, received by a controlled foreign company from sources in the Republic of Kazakhstan, previously taxed in the Republic of Kazakhstan by corporate income tax at the source of payment at a rate of 20 percent, provided that the financial profit before taxation of a controlled foreign company, takes into account the income specified in this subparagraph;

SSD - the total amount of income of a controlled foreign company or a regular institution of a controlled foreign company, reflected in the financial statements, confirmed by an audit, for the reporting tax period;

4) the value, determined by the following formula: $Y = FP \times (D / SSD)$, where:

Y - the amount of the reduction; FP - the positive value of the financial profit before taxation of the controlled foreign company;

D - dividends received by the controlled foreign company from sources in the Republic of Kazakhstan, provided that the financial profit before taxation of the controlled foreign company includes such dividends; SSD - the total amount of income of a controlled foreign company or a regular institution of a controlled foreign company, reflected in the financial statements, confirmed by an audit, for the reporting tax period;

5) the value, determined by the following formula:

$Y = FP \times (D / SSD)$, where: Y - the amount of the reduction; FP - the positive value of the financial profit before taxation of the controlled foreign company;

D - income other than that provided for in subparagraphs 2), 3) and 4) of part one of this paragraph, received by a controlled foreign company from sources in the Republic of Kazakhstan, previously taxed in the Republic of Kazakhstan by corporate income tax at the source of payment at a rate of 20 percent, provided that the financial profit before taxation of the controlled foreign company includes the income specified in this subparagraph;

SSD - the total amount of income of a controlled foreign company or a regular institution of a controlled foreign company, reflected in the financial statements, confirmed by an audit, for the reporting tax period;

6) the value, determined by the following formula:

$Y = FP \times (D / SSD)$, where: Y - the amount of the reduction; FP - the positive value of the financial profit before taxation of the controlled foreign company;

D - the amount of dividends received by one controlled foreign company from another controlled foreign company that is part of a single organizational structure of the consolidated group. Provided that the financial profit of one controlled foreign company includes such dividends that were previously taxed by a corporate income tax on the financial profit of another such controlled foreign company in the Republic of Kazakhstan and (or) reduced, in accordance with subparagraph 4) of paragraph 4 of this article or this subparagraph, in the reporting or previous tax period;

SSD - the total amount of income of a controlled foreign company or a regular institution of a controlled foreign company, reflected in the financial statements, confirmed by an audit, for the reporting tax period.

The provisions of this paragraph do not apply to a controlled foreign company and (or) a regular institution of a controlled foreign company that are registered in countries with preferential taxation.”;

"6) for the application of subparagraph 6) of part one of paragraph 4 of this article: copies of documents confirming the distribution and payment of dividends between two controlled foreign companies of a resident;

copies of an internal document (documents) drawn up in a foreign language (with obligatory translation into Kazakh or Russian), confirming the inclusion of dividends paid to another controlled foreign company of a resident into the financial profit of a controlled foreign company taxable (taxed) in the Republic of Kazakhstan;

copies of documents confirming the calculation and payment of corporate income tax from the financial profit of a controlled foreign company;

documents defining the structure of the consolidated group reflecting the full name, country of residence and participation interests (voting shares) of all participants. Along with such documents, an extract is submitted from the trade register (register of shareholders) or another similar document provided for by the legislation of the state in which the member of the consolidated group is registered.

The documents referred to in this paragraph or their copies must be in the possession of the resident applying the provisions of paragraph 3 or 4 of this article.”.

Footnote. The Law was supplemented with Article 32-2 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 33. To suspend until January 1, 2025 the validity:

1) Excluded by the Law of the Republic of Kazakhstan dated 24.06. 2021 № 53-VII (shall come into force upon expiration of ten calendar days after the date of its first official publication);

2) Sections 8 and 9 of the Tax Code, and to establish that during the period of suspension these Sections shall read as follows:

“Section 8. Individual income tax

Chapter 35. General provisions

Article 316. Payers

1. Payers of individual income tax are individuals who have taxable items in the form of income of an individual subject to taxation at the source of payment and self-assessment.

2. Excluded by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2020).

3. Individual entrepreneurs applying a special tax regime on the basis of a uniform land tax are not payers of the individual income tax on income from the activities to which this special tax regime applies.

Article 317. Features of taxation of income in individual cases

1. A tax agent calculates, withholds and transfers individual income tax and also files tax returns on income subject to taxation at the source of payment of a citizen of the Republic of Kazakhstan, a foreigner or stateless person who is a resident of the Republic of Kazakhstan (hereinafter referred to as a resident individual) in accordance with the procedure and within the time limits established by this Chapter, Clause 1 of Chapter 36, Chapter 38 and Article 657 of this Code, at the rates provided for in Article 320 of this Code.

1-1. For income taxable at source of a single payment payer, the calculation, withholding and remittance of individual income tax, as well as the submission of tax returns shall be performed by the tax agent as provided in Chapter 89-1 hereof.

2. As to income subject to self-assessment by a resident individual, individual income tax is calculated and paid, and tax returns are filed in accordance with the procedure and within the time limits established by Clause 2 of Chapter 36, Chapters 39, 40 and 71 of this Code, at the rates provided for in Article 320 of this Code.

3. As to income of a non-resident individual, individual income tax is calculated, withheld and transferred, and also tax returns are filed in accordance with the procedure and within the time limits established by Chapter 74 of this Code, at the rates provided for in Articles 320 and 646 of this Code.

4. As to income of an individual entrepreneur applying a special tax regime for small business entities, individual income tax is calculated and paid, and also tax returns are filed in accordance with the procedure and within the time limits established by Chapter 77 of this Code.

5. As to income of an individual entrepreneur applying a special tax regime for producers of agricultural products, aquaculture (fish farming) products and agricultural cooperatives, individual income tax is calculated with account of the features specified in Chapter 78 of this Code.

6. As to income (to be) received by a payer of the unified cumulative payment from the activities specified in subparagraph 3) of paragraph 1 of Article 774 of this Code, individual income tax is calculated and paid in accordance with Article 775 of this Code.

Submission by such a person of tax reporting on individual income tax on income specified in part one of this paragraph and social payments shall not be made, except for the cases established by Chapter 71 of this Code and the Law of the Republic of Kazakhstan "On combating corruption".

Article 318. Taxable items

Items subject to individual income tax are:

- 1) income of an individual taxable at the source of payment;
- 2) income of an individual subject to self-assessment.

Article 319. Annual income of an individual

1. The annual income of an individual consists of income (to be) received by this person in the Republic of Kazakhstan and outside it during a taxable period in the form of income subject to:

- 1) taxation at the source of payment;
- 2) self-assessment by an individual.

2. The below shall not be considered as income of an individual:

1) compensatory payments to employees when their work takes place on the road, is itinerant or involves business trips within the areas served - within the limits specified in collective agreements, employment contracts and (or) the employer's act;

2) unless otherwise specified by this article, compensations for official business trips, including those for training, advanced training or retraining of an employee in accordance with the legislation of the Republic of Kazakhstan:

established in subparagraphs 1), 2) and 4) of paragraph 1 and subparagraphs 1), 2) and 4) of paragraph 3 of Article 244 of this Code;

for a business trip within the Republic of Kazakhstan - daily subsistence allowance not exceeding 6 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year for each calendar day of a business trip for a period not exceeding forty calendar days of the business trip;

for a business trip outside the Republic of Kazakhstan - daily subsistence allowance not exceeding 8 times the monthly calculated index established by the law on the national budget and effective as of January 1 of a relevant financial year for each calendar day of a business trip for a period not exceeding forty calendar days of the business trip;

3) compensations for official business trips, including those for the purposes of training, advanced training or retraining of an employee in accordance with the legislation of the Republic of Kazakhstan, provided by state institutions, except for state institutions supported with the funds (expense budget) of the National Bank of the Republic of Kazakhstan, in the amount and according to the procedure provided for by the legislation of the Republic of Kazakhstan;

4) compensations for official business trips, including those for the purposes of training, advanced training or retraining of an employee in accordance with the legislation of the Republic of Kazakhstan, provided by state institutions supported with the funds (expense budget) of the National Bank of the Republic of Kazakhstan, in the amount and according to the procedure provided for by the legislation of the Republic of Kazakhstan;

5) compensations for expenses, confirmed by documents, for travel, transportation of property, lease (rent) of a dwelling for a period not exceeding thirty calendar days in case of an employee's transfer to work in another populated locality or moving to another populated locality together with his/her employer;

6) employer's expenses not related to the performance of a profit-oriented activity and not allocated to deductibles, which are not distributed among specific individuals;

7) field allowance of employees engaged in geological study, topographical and geodetic and exploration works in the field, for each calendar day of such work equal to 2 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year;

8) employer's expenses for the life support to persons working on a rotational basis during their stay at a production site, providing conditions for the performance of work and inter-shift rest:

for the property rent (lease) of dwelling;

for meals within the amount of the daily subsistence allowance established in subparagraph 2) of this paragraph;

9) expenses of the employer related to the delivery of employees from their place of residence (stay) in the Republic of Kazakhstan to the place of work and back;

9-1) professional payment at the expense of the employer in accordance with the Labor Code of the Republic of Kazakhstan;

10) the cost of given special clothes, special footwear, including their repair, personal protective equipment, detergents and disinfectants, preventive treatment means, first-aid kit, milk or other equivalent foods and (or) special dietary (health and therapeutic) foods according to the norms established by the legislation of the Republic of Kazakhstan;

10-1) expenses of the employer in favor of employees (including reimbursement of expenses of employees) intended for laboratory examinations, provision of personal protective equipment, medical examinations, preventive vaccinations, medical supervision, treatment, isolation, hospitalization in connection with the introduction of restrictive measures, including quarantine, due to recognition of the disease as a pandemic by the decision of the emergency committee of the World Health Organization;

10-2) the cost of the uniform provided to the employee in cases where the legislation of the Republic of Kazakhstan establishes the obligation to wear a uniform and (or) to provide it;

11) the amount of pension savings of investors of the unified accumulative pension fund and voluntary accumulative pension funds sent to life insurance organizations to pay insurance premiums under the concluded accumulative insurance agreement (pension annuity), the amount of money to be returned to the unified accumulative pension fund under the agreement pension annuity, as well as redemption amounts under pension annuity contracts sent to insurance organizations in the manner prescribed by the legislation of the Republic of Kazakhstan;

12) the amount of a penalty charged for late calculation, withholding, transfer of social welfare payments in amounts established by the legislation of the Republic of Kazakhstan;

13) the increase in value of motor vehicles and (or) trailers subject to state registration in the Republic of Kazakhstan and owned for a year or more in case of their sale (transfer as a contribution to the authorized capital of a legal entity);

14) increase in value upon sale (transfer as a contribution to the authorized capital of a legal entity) of dwellings, country houses, garages, parking spaces, personal subsidiary plots located on the territory of the Republic of Kazakhstan under the right of ownership for one year or more from the date of registration of ownership;

15) the increase in value of land plots and (or) land shares in the territory of the Republic of Kazakhstan held on the basis of the right of ownership for a year or more in case of their sale (transfer as a contribution to the authorized capital of a legal entity), the designated purpose of which from the date of commencement of the ownership right to the date of sale (transfer as a contribution to the authorized capital of a legal entity) are individual housing construction, dacha construction, personal subsidiary farms, gardening, under the garage, on which facilities specified in subparagraph 1) of paragraph 1 of Article 331 of the Code are located;

16) the increase in value of land plots and (or) land shares in the territory of the Republic of Kazakhstan held on the basis of the right of ownership for a year or more in case of their sale (transfer as a contribution to the authorized capital of a legal entity), the designated purpose of which from the date of commencement of the ownership right to the date of sale (transfer as a contribution to the authorized capital of a legal entity) are individual housing construction, dacha construction, personal subsidiary farms, gardening, under the garage, on which facilities specified in subparagraph 1) of paragraph 1 of Article 331 of the Code are not located;

17) the increase in value of property repurchased for state needs in accordance with the legislation of the Republic of Kazakhstan;

18) subsequent expenses incurred by an individual lessee who is not an individual entrepreneur or those reimbursed by him/her to an individual lessor who is not an individual entrepreneur in the case of property rent (lease) of a dwelling, or residential premises (apartment) - if the specified expenses are incurred separately from the rental fee:

on the maintenance of common property of a condominium item in accordance with the housing legislation of the Republic of Kazakhstan;

on the payment of utilities provided for by the Law of the Republic of Kazakhstan “On Housing Relations”;

on the repair of a dwelling, residential premises (apartment);

19) the excess of the market value of the underlying asset of an option at the time the option is exercised over the option exercise price (the option exercise price is the price at which the underlying asset of an option was fixed in an appropriate document on the basis of which the option was granted to an individual);

20) the value of goods transferred free of charge for advertising purposes (also in the form of donations) in case the unit value of such goods does not exceed 5 times the monthly calculation index established for a relevant financial year by the law on the national budget and effective as of the date of such transfer;

21) representational expenses for the reception and hosting of persons incurred in accordance with Article 245 of this Code;

22) material benefit from savings on remuneration for the use of credits (loans, microcredits) received from legal entities and individual entrepreneurs, including those received by employees from their employer;

23) earnings upon termination of obligations under the civil legislation of the Republic of Kazakhstan on a loan (credit, mortgage loan, housing mortgage loan, microcredit), including principal, interest, commission and forfeit (fine, penalty), in the following cases occurring after granting a credit (loan, mortgage loan, housing mortgage loan, microcredit) to such person:

a natural person who is a borrower has been declared missing, incapacitated, limited in capacity or declared deceased by a court decision that has entered into legal force;

establishing an individual borrower's first or second degree of disability, or in the event of the death of the natural person who is the borrower;

absence of other income for an individual - borrower receiving social benefits in accordance with the Social Code of the Republic of Kazakhstan in cases of loss of a breadwinner, income due to pregnancy and childbirth, adoption of a newborn child (children), child care upon reaching the age of one year, except for the specified payments;

entry into legal force of a court order to return the writ of execution to a bank (microfinance institution, mortgage lending institution) in the event an individual borrower and third parties bearing joint and several liability to a bank (microfinance institution, mortgage lending institution) do not have any property, including money, securities, or income that may be foreclosed upon, and the steps taken by the bailiff to find his/her property or income under the law of the Republic of Kazakhstan on enforcement proceedings and the status of bailiffs have proved ineffective;

disposal of pledged property, that fully secured the principal obligation at the date of conclusion of the mortgage agreement, by extrajudicial tender at a price lower than the amount of the principal obligation or transfer of such property into the ownership of the pledgee under the Law of the Republic of Kazakhstan “On Mortgage of Immovable Property” for the outstanding loan (mortgage loan, housing mortgage loan, micro loan) upon sale of the pledged property.

The provisions of indents five and six of part one of this sub-paragraph shall not apply to the termination of obligations under a loan (credit, mortgage loan, housing mortgage loan, microloan):

issued to an employee of a bank (mortgage institution, microfinance institution), spouse, close relatives of an employee of a bank (mortgage institution, microfinance institution), related party of a bank (mortgage institution, microfinance institution);

where an assignment and/or transfer of debt has taken place;

24) income arising upon termination of obligations under a loan (credit, mortgage loan, housing mortgage loan, microloan) issued by a bank (mortgage organisation, microfinance organisation) under the civil legislation of the Republic of Kazakhstan, in the form of:

forgiveness of the principal debt;

forgiveness of debt on interest, commission, forfeit (penalty, fine);

The provisions of this subparagraph shall also apply in the event of forgiveness of an obligation by a person to whom the right to claim a credit (loan, microcredit) has been assigned, in accordance with the laws of the Republic of Kazakhstan “On Banks and Banking Activities in the Republic of Kazakhstan” and “On Microfinance Activities”;

24-1) income received by the borrower as a result of payment for him/her by a bank, an organization carrying out certain types of banking operations, as well as a collection agency for the state duty levied on the statement of claim filed with the court;

25) income generated by a mortgage housing loan (mortgage loan) received before January 1, 2016, which is subject to refinancing under the Mortgage (Home Loan) Refinancing Program approved by the National Bank of the Republic of Kazakhstan in the form of:

forgiveness of the principal debt in terms of the amount of previously capitalized interest, commission, forfeit (penalty, fine);

forgiveness of debts on interest, commission, forfeit (penalty, fine);

reduction of the size of claim to a borrower for the amount of the principal debt of the mortgage housing loan (mortgage loan) received in foreign currency as a result of recalculation of such amount using the official rate of the National Bank of the Republic of Kazakhstan as of August 18, 2015;

income received by a borrower belonging to a socially vulnerable group in accordance with the legislation of the Republic of Kazakhstan on housing relations, in the form of payment for such a person by a bank, an organization carrying out certain types of banking operations, as well as by an organization that voluntarily returned the authorized body’s license for conducting banking operations, state duty levied on a claim filed with court;

25-1) was valid up to 01.01.2023 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022.

26) the amount of debts for a credit (loan), under which the forgiveness of the debt was made in the manner prescribed by subparagraph 11) of paragraph 5 of Article 232 of this Code, including the debt on interest on such loans;

27) the value of property, including money, which is legalized in accordance with the Law of the Republic of Kazakhstan “On amnesty for citizens of the Republic of Kazakhstan, oralmans and persons having a residence permit in the Republic of Kazakhstan, due to legalization of their property”;

28) mandatory professional pension contributions to the single accumulative pension fund in the amount established by the legislation of the Republic of Kazakhstan;

29) mandatory pension contributions of an employer to the single accumulative pension fund in the amount established by the legislation of the Republic of Kazakhstan;

29-1) voluntary pension contributions transferred by a tax agent to a unified accumulative pension fund, a voluntary accumulative pension fund in favor of an employee;

30) income received by an individual receiving medical assistance within the system of compulsory social health insurance in accordance with the legislation of the Republic of Kazakhstan on compulsory social health insurance;

31) material benefit obtained from budgetary funds in accordance with the legislation of the Republic of Kazakhstan, including cases of:

provision of the volume of services for preschool education and training, technical and professional, post-secondary, higher, postgraduate education, advanced training and retraining of workers and specialists, as well as training at preparatory departments of educational institutions in the form of state educational order in accordance with the legislation of the Republic of Kazakhstan in the field of education;

provision of a guaranteed volume of free medical aid;

payment of state contributions to compulsory social health insurance;

provision of rehabilitation treatment, health improvement and recreation at sanatorium and resort facilities;

provision of medicines and medical products;

provision of goods, works, services to a person with disabilities by local executive bodies of the region, city of republican significance, the capital in accordance with the legislation of the Republic of Kazakhstan on social protection. In this case, the provision of this paragraph shall apply to individuals who are:

a person with a disability

a personal assistant offering social services to a person with a first degree disability who has mobility difficulties;

32) payments to individuals for the purchase of personal property of an individual.

In case of payment provided for by this subparagraph made by a tax agent, the provisions of this subparagraph apply to an individual who submitted a statement to a tax agent in which he/she specifies that personal items that are being sold are not used in entrepreneurial activities and are not subject to taxation for calculating the individual income tax on income subject to self-assessment by an individual;

33) employer's actually incurred expenses for the payment of training, advanced training or retraining in accordance with the legislation of the Republic of Kazakhstan when seconding an employee for training, advanced training or retraining in the speciality related to the employer's activities, which is documented as a business trip to another populated locality ;

34) material benefit from saving on remuneration received by a payment card holder on a bank loan in connection with an interest-free period granted under a contract concluded between the bank and the client - during the period established in the contract;

35) the sum credited by the bank and/or the National Postal Operator at the expense of the bank and/or the National Postal Operator to a natural person's account for making non-cash payments;

36) income in the form of payment for travel and accommodation of civil servants, deputies of the Parliament of the Republic of Kazakhstan, judges by a tax agent, who is not an employer, in the case of the said persons' business trips related to the exercise of public functions, provided the following requirements are met:

invitation to domestic and foreign trips at the expense of a tax agent, who is not an employer, was provided with the consent of a higher-level official or body to participate in scientific, sporting, creative, professional, humanitarian events at the expense of the tax agent, including trips related to the latter's statutory activity;

existence of an order (instruction) of an official of a state body in accordance with the legislation of the Republic of Kazakhstan;

37) the cost of technical auxiliary (compensatory) means and special means of transportation, transferred free of charge by the employer to an employee recognized as a person with a disability due to a work injury or occupational disease through the fault of the employer - according to the list approved by the Government of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on social protection;

38) the cost of services in the form of prosthetic and orthopedic care provided free of charge by the employer to an employee recognized as a person with a disability due to a work injury or occupational disease through the fault of the employer, in accordance with the legislation of the Republic of Kazakhstan on social protection;

39) payments to confidential assistants in accordance with the Law of the Republic of Kazakhstan "On Operative-Search Activity";

39-1) the remuneration received under the procedure referred to in paragraph 14 of Article 22 hereof;

40) employer's expenses for the training, advanced training or retraining of an employee, in accordance with the legislation of the Republic of Kazakhstan, requiring no business trip, in the case of training, advanced training or retraining in the speciality related to the employer's activity:

actually incurred expenses for the payment of training, advanced training or retraining of an employee;

actually incurred living expenses of an employee within the limits established by the authorized body;

actually incurred expenses for the travel to the place of study in case of admission and back after completion of training, advanced training or retraining of an employee;

the amount of money fixed by the employer to be paid to the employee equal to:

6 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year for each calendar day of training,

advanced training or retraining of an employee - during the period of training, advanced training or retraining of an employee within the Republic of Kazakhstan;

8 times the monthly calculation index established by the law on the national budget and effective on January 1 of a relevant financial year for each calendar day of training, advanced training or retraining of an employee - during the period of training, advanced training or retraining of an employee outside the Republic of Kazakhstan;

41) material benefit actually generated by the autonomous educational organization specified in paragraph 1 of Article 291 of this Code in the form of payment (compensation) of expenses for living, medical insurance, including payment of insurance premiums under voluntary insurance contracts in case of illness, travel by air transport from a place of residence outside the Republic of Kazakhstan (country, populated locality) to the place of work in the Republic of Kazakhstan and back, received by a foreign resident:

who is an employee of such an autonomous educational organization;

carrying out activity in the Republic of Kazakhstan on the performance of works, rendering of services to such an autonomous educational organization;

who is an employee of a non-resident legal entity performing works, rendering services to such an autonomous educational organization and performs such works and renders such services himself/herself;

42) expenses of an autonomous educational organization specified in subparagraphs 2) and 3) of paragraph 1 of Article 291 of this Code, related to the training, advanced training or retraining of an individual, who is not in labor relations with this autonomous educational organization, but is in labor relations with another autonomous organization of education specified in subparagraphs 1) - 5) of paragraph 1 of Article 291 of this Code, by a decision of an autonomous educational organization that incurs expenses, indicating a speciality, such as:

actually incurred expenses for the payment of training, advanced training or retraining of an individual;

actually incurred living expenses of an individual within the limits established by the authorized body;

actually incurred travel expenses to the place of study in case of admission and back after completion of training, advanced training or retraining of an individual;

the amount of money fixed by an autonomous educational organization for the payment to an individual equal to:

6 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year for each calendar day of training, advanced training or retraining of an individual - during the period of training, advanced training or retraining of the trainee within Republic of Kazakhstan;

8 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year for each calendar day of training,

advanced training or retraining of an individual - during the period of training, advanced training or retraining of the trainee outside Republic of Kazakhstan;

43) payments of an autonomous educational organization, specified in subparagraph 2) of paragraph 1 of Article 291 of this Code, in the form of:

actually incurred expenses for the payment of training and (or) professional practice required by a full-time curriculum for the following levels of education:

post-secondary education;

higher education;

postgraduate education;

actually incurred expenses for participation in extra-curricular activity;

actually incurred expenses for travel to the place of training and (or) professional practice, which are provided for in this subparagraph, as well as to the place of an extra-curricular activity and back, including payment for the reservation - on the basis of documents confirming the costs of travel and reservation (including an electronic ticket given a document confirming the fact of payment of its value);

actually incurred living expenses of an individual within the limits established by the authorized body;

the amount of money fixed for payment to an individual equal to:

6 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year, for each day of training and (or) professional practice, participation in an extra-curricular activity - within the period fixed by the decision of the autonomous educational organization, specified in subparagraph 2) of paragraph 1 of Article 291 of this Code, in case of an individual's business trip within the Republic of Kazakhstan;

8 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year, for each day of training and (or) professional practice, participation in an extra-curricular activity - within the period fixed by the decision of the autonomous educational organization, specified in subparagraph 2) of paragraph 1 of Article 291 of this Code, in case of an individual's business trip outside the Republic of Kazakhstan;

expenses incurred on entry and exit permits (visas) (the cost of visa, consular services, compulsory medical insurance), on the basis of supporting documents.

The provisions of this subparagraph shall apply to individuals who, as of the date of the decision of the autonomous educational organization, specified in subparagraph 2) of paragraph 1 of Article 291 of this Code, and during the period of training and (or) professional practice, participation in an extra-curricular activity, study at such an autonomous educational organization:

at the preparatory department;

at the following levels of education:

primary school, including pre-school education and training;

middle school;

senior school;

on the full-time basis at the following levels of education:

post-secondary education;

higher education;

postgraduate education;

44) material benefit received by an individual studying at the preparatory department of an autonomous educational organization, specified in subparagraph 2) of paragraph 1 of Article 291 of this Code, in the form of payment (compensation) of meal expenses – to the extent of 2 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year, for each day of a school year, except for a vacation period;

45) material benefit received by an individual studying on a full-time basis at an autonomous educational organization, specified in subparagraph 2) of paragraph 1 of Article 291 of this Code, in the form of payment (compensation) of expenses:

for medical insurance, including the payment of insurance premiums under voluntary insurance contracts in case of illness;

for living in a dormitory of an autonomous educational organization, specified in paragraph 1 of Article 291 of this Code;

46) the amount credited by a communications operator to the subscriber's mobile balance at the expense of the communication operator for the subscriber's non-cash transactions;

47) the amounts of individual income tax calculated and paid by the tax agent in accordance with the provisions of this Code, mandatory pension contributions calculated and paid by the agent for the payment of mandatory pension contributions in accordance with the Social Code of the Republic of Kazakhstan from the income of a resident - individual at his own expense, without their deductions;

48) the cost of services received from budgetary funds in the form of state non-financial support of business entities in accordance with the state program for the development of the agro-industrial complex of the Republic of Kazakhstan, programs approved by the Government of the Republic of Kazakhstan, operated by the National Chamber of Entrepreneurs of the Republic of Kazakhstan;

49) income generated upon the termination of obligations for a credit (loan), the right of claim of which was acquired by an organization for improving the quality of loan portfolios of second-tier banks, whose sole shareholder is the Government of the Republic of Kazakhstan, in the form of:

forgiveness of the principal debt;

forgiveness of debt on remuneration, commission, forfeit (penalty, fine).

50) dividends resulting from the acquisition by a resident legal entity of securities or participation interests from a non-resident legal entity, subject to the conditions established by paragraph 7-1 of Article 228 of this Code;

51) writing off the obligations of the debtor in respect of whom the procedure for bankruptcy or restoration of solvency has been applied in accordance with the Law of the Republic of Kazakhstan "On Restoring Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan";

52) targeted savings in accordance with the Law of the Republic of Kazakhstan "On the Rights of the Child in the Republic of Kazakhstan" in the form of payments from the unified accumulative pension fund, as well as directed to an individual pension account for accounting voluntary pension contributions;

53) financial benefit from savings on the cost of goods, works, services when purchasing them at the expense of the amount accrued for previously made purchases or received works and services.

Article 320. Tax Rates

1. The taxpayer's income shall be taxed at the rate of 10 per cent.

2. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 135-VII (effective from 01.01.2023).

Article 321. Income included in the annual income of an individual

The annual income of an individual includes all types of his/her income:

1) the income of an employee, including the income of a household employee and the income of a resident migrant worker;

2) income from the sale of goods, performance of works, rendering of services, except for property income received by an individual who is not an individual entrepreneur, a private practice owner;

3) income in the form of payment by a third party of the value of goods, works performed, services rendered by an individual;

4) income in the form of works performed, services rendered to pay off the debt to an individual;

5) income in the form of property received free of charge, including works, services;

6) income in the form of debt forgiveness;

7) income in the form of a decrease in the size of a claim to a debtor, except for written-off fines, penalties and other sanctions;

8) income in the form of payment of interest on repo transactions;

9) income in the form of pension payments, lump-sum pension payments;

10) income in the form of dividends, remuneration, winnings;

11) income in the form of a scholarship;

12) income under accumulative insurance contracts;

13) property income;

14) income of an individual entrepreneur;

15) income of a private practice owner;

16) income from a personal subsidiary farm, recorded in a household register in accordance with the legislation of the Republic of Kazakhstan, subject to taxation, on which the individual income tax was not withheld at the source of payment due to submission of false information to a tax agent by a person running a personal subsidiary farm;

17) other income not specified in sub-paragraphs 1) to 16) of this Article, obtained in the territory of the Republic of Kazakhstan or from sources beyond the Republic of Kazakhstan;

18) consolidated profit of controlled foreign companies or permanent establishments of controlled foreign companies, determined in accordance with Article 340 of this Code.

Chapter 36. Income

Clause 1. Income subject to taxation at the source of payment

Article 322. Income of an employee

1. Income of an employee subject to taxation is income assessed by an employer who is a tax agent and recognized, also in the employer's accounting records, as expenses (costs) in accordance with the legislation of the Republic of Kazakhstan on accounting and financial reporting and is:

1) money to be transferred by the employer to the employee in cash and (or) non-cash forms in connection with labor relations;

2) income in kind of the employee in accordance with Article 323 of this Code;

3) income of the employee in the form of material benefit in accordance with Article 324 of this Code.

Income of an employee subject to taxation is also recognized as income received (receivable) by a member of the board of directors or other management body of a taxpayer that is not the supreme management body.

2. Income of an employee subject to taxation (to be) received from persons who are not tax agents is income (to be) received under an employment agreement (contract) concluded in accordance with the legislation of the Republic of Kazakhstan or of a foreign state.

3. The income of an employee subject to tax shall not include the following income:

1) income of an individual from a tax agent under civil law agreements;

2) income in the form of pension payments, lump sum pension payments;

3) income in the form of dividends, remuneration, winnings;

4) scholarships;

5) income under accumulative insurance contracts;

6) property income;

7) income of a resident labor immigrant;

8) income of a person engaged in private practice;

9) income of an individual entrepreneur.

Article 323. Income in kind of an employee

Income in kind of an employee, subject to taxation, is:

1) the cost of goods, securities, participation shares and other property (except money) subject to transfer by the employer to the employee in the ownership in connection with the existence of labor relations, as well as to a member of the board of directors or other management body of the taxpayer that is not the highest management body, in connection with the implementation their managerial responsibilities. The value of such property shall be determined in the following amount, taking into account the corresponding amount of value added tax and excise duty:

the book value of the property;

the value of the property specified in a contract or another document on the basis of which the property is transferred to the employee, in case of no book value of such property;

2) the performance by the employer of works, rendering services in favor of the employee in connection with the existence of labor relations, as well as in favor of a member of the board of directors or other management body of the taxpayer, which is not the highest management body, in connection with the performance of their managerial duties. The cost of works performed, services rendered shall be determined in the amount of the employer's expenses incurred in connection with such performance of work, provision of services, taking into account the corresponding amount of value added tax;

3) the value of the property received from the employer free of charge. The value of works performed, services rendered by the employer to the employee free of charge is determined in the amount of the employer's expenses incurred on such performance of works, rendering of services;

4) the employer's payment to an employee or third parties of the value of goods, works performed, services rendered to an employee by an employer third parties. The value of such goods, works performed, services rendered is determined in the amount of the employer's expenses incurred on such performance of works, rendering of services, with account of a relevant amount of VAT and excises.

Article 324. Income of an employee in the form of material benefit

Income of an employee in the form of material benefit subject to taxation is also:

1) the negative difference between the value of goods sold to an employee and their book value or purchase price – when selling goods to an employee;

negative difference between the cost of works, services sold to the employee and the total amount of the employer's expenses incurred in connection with such performance of work, provision of services, taking into account the corresponding amount of value added tax - when selling works, services to the employee.

For the purposes of this subparagraph, the purchase price shall be used by taxpayers who, in accordance with the legislation of the Republic of Kazakhstan on accounting and financial reporting, do not maintain accounting records;

2) write-off of the amount of the debt by the employer's decision or the employee's obligation to him/her/it – in case of writing off the amount of the employee's debt;

3) employer's expenses for the payment of insurance premiums under insurance contracts of his/her/its employees, also those concluded by employees - when paying the amount of insurance premiums under insurance contracts;

4) employer's expenses for reimbursement of the employee's expenses not related to the employer's activity – in case of reimbursement of expenses to the employee.

Article 325. Income in the form of property received free of charge, including works, services

Income in the form of property received free of charge shall be determined in the following amount, taking into account the corresponding amount of value added tax and excises:

the book value of the property;

the value of the property determined by a contract or another document on the basis of which the property is transferred to an individual, in case of no book value of such property.

Income in the form of works and (or) services received free of charge shall be determined in the form of the cost of work performed, services rendered in the amount of the tax agent's expenses incurred in connection with such performance of work, provision of services, taking into account the corresponding amount of value added tax.

Article 326. Income in the form of pension payments

Income in the form of pension payments subject to taxation is payments made by the single accumulative pension fund and (or) voluntary accumulative pension funds:

1) from pension savings of taxpayers accumulated from:

mandatory pension contributions in accordance with the legislation of the Republic of Kazakhstan;

mandatory professional pension contributions in accordance with the legislation of the Republic of Kazakhstan;

voluntary pension contributions in accordance with the provisions of a contract on pension from voluntary pension contributions;

2) to the residents - individuals of the Republic of Kazakhstan who have reached retirement age and have left for permanent residence outside the Republic of Kazakhstan in accordance with the Social Code of the Republic of Kazakhstan;

3) to the residents - individuals of the Republic of Kazakhstan who have not reached retirement age and have left for permanent residence outside the Republic of Kazakhstan in accordance with the Social Code of the Republic of Kazakhstan;

4) to individuals in the form of pension savings inherited in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

5) to individuals in the form of a lump sum payment for the burial of a deceased person, who had pension savings, in the manner prescribed by the legislation of the Republic of Kazakhstan.

Article 327. Income in the form of dividends, remuneration, winnings

Income in the form of dividends, remuneration, winnings that are subject to taxation are:

1) dividends (to be) paid that are indicated in subparagraph 16) of paragraph 1 of Article 1 of this Code;

2) remuneration (to be) paid;

3) winnings (to be) paid.

For the purposes of this Section, net income from trust management of a trust management founder received from a legal entity that is a trust manager is also income in the form of dividends subject to taxation.

Article 328. Income in the form of scholarships

Income in the form of scholarships, subject to taxation, is the amount of money fixed by a tax agent for payment:

to students of educational organizations in accordance with the legislation of the Republic of Kazakhstan in the field of education;

to cultural workers, scientists, mass media workers and other individuals in accordance with the legislation of the Republic of Kazakhstan.

Article 329. Income under accumulative insurance agreements

Income under accumulative insurance agreements subject to taxation is:

1) insurance payments made by insurance companies under accumulative insurance contracts, insurance premiums for which were paid:

pension savings in a single accumulative pension fund and voluntary accumulative pension funds;

by an individual in his/her favor;

by an employer in favor of an employee;

2) cash surrender value paid in cases of early termination of such contracts;

3) excess of the amount of insurance payments made by an insurance organization over the amount of insurance premiums paid with the funds not specified in subparagraph 1) of this article.

Clause 2. Income subject to self-assessment by an individual

Article 330. Property income

1. Property income of an individual subject to taxation includes:

1) income from increase in value when an individual realizes property in the Republic of Kazakhstan specified in Article 331 of this Code;

2) income of an individual from the sale of property received from sources outside the Republic of Kazakhstan;

3) income from increase in value when an individual transfers property (except for money) as a contribution to the authorized capital specified in Article 333 of this Code;

4) income received by an individual who is not an individual entrepreneur from renting out property to persons who are not tax agents;

5) income from the assignment of the right to claim, including a share in a residential house (building) under an agreement on equity participation in housing construction;

6) income from increase in value when selling other assets of an individual entrepreneur, specified in Article 334 of this Code, applying a special tax regime for small business entities or for peasant or farm enterprises.

2. The provisions of subparagraphs 1), 2) and 3) of paragraph 1 of this article shall apply to individuals, also individual entrepreneurs, who apply a special tax regime for small business entities or for peasant or farm enterprises.

3. Property income is not the income of an individual entrepreneur, the income of a private practice owner.

Article 331. Income from increase in value in the sale of property in the Republic of Kazakhstan by an individual

1. An individual receives income from increase in value in the sale of property if he/she sells property such as:

1) dwellings, country houses, garages, parking spaces, personal subsidiary plots located on the territory of the Republic of Kazakhstan under the right of ownership for less than a year from the date of registration of ownership;

2) land plots and (or) land shares, the designated use of which from the date of the emergence of ownership to the date of sale is individual housing construction, dacha construction, the running of a personal subsidiary farm, under a garage, on which the items specified in subparagraph 1) of this paragraph are located in the territory of the Republic of Kazakhstan on the basis of the right of ownership for less than a year from the date of registration of the ownership right;

3) land plots and (or) land shares, the designated use of which from the date of the emergence of ownership to the date of sale is individual housing construction, dacha construction, the running of a personal subsidiary farm, gardening, under a garage, on which items specified in subparagraph 1) of this paragraph are not located in the territory of the Republic of Kazakhstan on the basis of the right of ownership for less than a year from the date of registration of the ownership right;

4) land plots and (or) land shares, the designated use of which is not specified in subparagraphs 2) and 3) of this paragraph, located in the territory of the Republic of Kazakhstan;

5) investment gold in the territory of the Republic of Kazakhstan;

6) immovable property located in the territory of the Republic of Kazakhstan, except for that specified in subparagraphs 1), 2), 3) and 4) of this paragraph;

7) motor vehicles and (or) trailers subject to state registration in the Republic of Kazakhstan, which are owned for less than a year;

8) securities, derivative financial instruments (excluding derivative financial instruments fulfilled by acquisition or sale of the underlying asset) whose issuers are registered in the Republic of Kazakhstan, a digital asset, a participating interest in the authorised capital of a legal entity registered in the Republic of Kazakhstan.

To determine the increase in value when one spouse inherits rights to immovable property specified in sub-paragraphs 1), 2) and 3) of part one of this paragraph, the period mentioned in these sub-paragraphs shall be specified from the date of registration of the matrimonial property title to such property.

2. Income from increase in value in the sale of property specified in subparagraphs 1) - 7) of paragraph 1 of this article is positive difference between the selling price (value) of property and its purchase price (value).

The provisions of this paragraph shall not apply to income from increase in value in the sale of property received free of charge, which is determined in accordance with paragraphs 5, 6 and 7 of this article.

3. In case of sale of immovable property acquired through participation in shared construction, income from increase in value is positive difference between the selling price (value) of property and the price of a shared construction participation agreement.

4. In case of sale of immovable property acquired as a result of the assignment of the right to claim a share in a residential building under a shared construction participation agreement, income from increase in value is positive difference between the selling price (value) of property and the value at which a taxpayer acquired the right of claim of this share in a residential building under a shared construction participation agreement.

5. If an individual sells the property specified in paragraph 1 of this article that was earlier included in a taxable item in accordance with paragraph 2 of Article 681 of this Code in the form of property received free of charge or income from which was earlier determined in the form of property received free of charge in accordance with Article 238 of this Code, income from increase in value is positive difference between the selling price (value) of property and the value of the property received free of charge, earlier included in income.

6. In cases of sale of a single-family detached house built by a person selling it, and also of the property specified in subparagraphs 1) - 7) of paragraph 1 of this article, received in the form of inheritance, charitable assistance (except for the case provided for in paragraph 5 of this article), income from increase in value is positive difference between the selling price (value) of property and the market value of the property being sold as of the date of the emergence of the ownership right.

In this case, a taxpayer must determine such a market value before a deadline set for the submission of an individual income tax declaration for the taxable period in which such property was sold. For the purposes of this paragraph, the market value is the value indicated

in a report on appraisal conducted under an agreement between the appraiser and the taxpayer in accordance with the legislation of the Republic of Kazakhstan on appraisal activity.

7. In the case specified in paragraph 6 of this article, without a market value determined as of the date of emergence of the ownership right to the sold property indicated in subparagraphs 1) - 7) of paragraph 1 of this article, or if the deadline for determining the market value established by paragraph 6 of this article is not met, and also in other cases of no price (value) of acquisition of property, which are not specified in paragraph 6 of this article, income from increase in value is:

1) positive difference between the selling price (value) of property and the appraised value. In this case, the appraised value is the value determined by the State Corporation “Government for Citizens” for calculating the property tax as of January 1 of the year in which the ownership right to the sold property emerged - for the property specified in subparagraph 1) of paragraph 1 of this article;

2) positive difference between the selling price (value) of property and the cadastral (appraised) value of a land plot - for the property specified in subparagraphs 2), 3) and 4) of paragraph 1 of this article. In this case, the cadastral (appraised) value is the value determined by the State Corporation “Government for Citizens” maintaining the state land cadaster as of the latest date below:

that of emergence of the ownership right to the land plot;

the last date preceding the date of emergence of the ownership right to the land plot;

3) the selling price (value) of such property - for the property specified in subparagraphs 5), 6) and 7) of paragraph 1 of this article.

When selling a building or part of a building constructed by an individual selling it who is not an individual entrepreneur, the gain from growth in value is the positive difference between the selling price (cost) of such property and the cost of the land acquired for the construction of such building or part of the building. When selling a part of the building, the cost of the land shall be determined proportionally to the part of the building being sold.

In case of selling a building not used in business activities, which was previously reconstructed from an individual residential building, the gain from growth in value shall be the positive difference between the selling price (cost) of such property and the cost of its acquisition as an individual residential building.

8. If an individual sells the property specified in subparagraph 7) of paragraph 1 of this article that was earlier imported into the territory of the Republic of Kazakhstan by this individual, the price (value) of its acquisition is:

1) for motor vehicles and (or) trailers imported from the territory of a state that is not a member of the Eurasian Economic Union - the price (cost) specified in the agreement (contract) or other document confirming the purchase of a motor vehicle and (or) trailer on the

territory of a state that is not a member of the Eurasian Economic Union, and customs and recycling payments, as well as the amounts of value added tax and excise tax specified in the declaration of goods and paid upon the import of such motor vehicles and (or) trailers;

2) for motor vehicles and (or) trailers imported from the territory of a member state of the Eurasian Economic Union - the price (value) specified in the agreement (contract) or another document confirming the acquisition of a motor vehicle and (or) a trailer in the territory a member state of the Eurasian Economic Union and the amount of VAT and excise duty specified in the tax declaration for indirect taxes on imported goods and paid in the manner established by this Code.

9. Income from increase in value in the sale of property specified in subparagraph 8) of paragraph 1 of this article is:

1) positive difference between the selling price (value) and the price (value) of its acquisition (contribution) - if the price (value) of the acquisition (deposit) is known. When selling securities bought by an individual in an option, the purchase price is determined in the amount of the exercise price of the option and the option premium;

2) the selling price (value) of property – if there is no price (value) of acquisition of property (contribution).

Note.

For the purposes of this article and Article 333 of this Code, the value of a contribution to the authorized capital is the value specified in constituent documents of a legal entity, but not more than actually contributed amount.

Article 332. Income of an individual from the sale of property, received from sources outside the Republic of Kazakhstan

1. Unless otherwise established by this article and Article 331 of this Code, income of an individual in the sale of property obtained from sources outside the Republic of Kazakhstan is the selling price of the property.

2. Income of an individual in the sale of property obtained from sources outside the Republic of Kazakhstan is defined as positive difference between the selling price of the property and the value of its acquisition when selling the property:

1) located outside the Republic of Kazakhstan, rights to which and (or) transactions for which are subject to state or another registration with the competent authority of a foreign state in accordance with the legislation of a foreign state;

2) located outside the Republic of Kazakhstan, subject to state or another registration with the competent authority of a foreign state in accordance with the legislation of a foreign state.

3. In cases of sale of property legalized in the manner prescribed by the Law of the Republic of Kazakhstan “On Amnesty to citizens of the Republic of Kazakhstan, oralmans and persons having a residence permit in the Republic of Kazakhstan, due to legalization of their property” by a person who legalized it, when the price (value) of its acquisition is not available and the obligation for the payment of the legalization fee is fulfilled, income from

increase in value is positive difference between the selling price (value) of property and the appraised value in tenge determined for the calculation of the legalization fee for the property sold.

4. An individual's income from the sale of a digital asset, securities, with the exception of debt securities, received from sources outside the Republic of Kazakhstan, is defined as a positive difference between the cost of sale and the cost of acquisition.

5. Income of an individual in the sale of debt securities received from sources outside the Republic of Kazakhstan is determined as positive difference ex coupon between the selling and purchase prices with account of amortization of the discount and (or) premium as of the date of sale.

6. Income of an individual in the sale of a participatory interest received from sources outside the Republic of Kazakhstan is determined as positive difference between the selling price and that of acquisition (contribution).

7. The provision of paragraph 2 of this article does not apply if:

- 1) immovable property is located in the territory of a state with preferential taxation;
- 2) the rights to movable property or movable property transactions are registered with the competent authority of a state with preferential taxation.

8. The provisions of paragraphs 4, 5 and 6 of this article shall not apply if the income specified in paragraphs 4, 5 and 6 of this article is received from sources in a state with preferential taxation.

9. The provisions of paragraphs 2, 4, 5 and 6 of this article shall be applied on the basis of the following documents, which confirm:

- 1) the price of acquisition of property (value of contribution);
- 2) the selling price of property;
- 3) registration by the competent authority of a foreign state of property and (or) the ownership right to property, and (or) property transactions in accordance with the legislation of a foreign state.

Article 333. Income from increase in value in the transfer of property (other than money) as a contribution to the authorized capital

1. Income from increase in value in case of transfer by an individual of property (other than money) as a contribution to the authorized capital is generated in case of transfer of:

1) dwellings, dacha buildings, garages, items of a personal subsidiary farm located in the territory of the Republic of Kazakhstan on the basis of the right of ownership for less than a year from the date of registration of the ownership right;

2) land plots and (or) land shares, the designated use of which from the date of the emergence of ownership to the date of sale is individual housing construction, dacha construction, the running of a personal subsidiary farm, gardening, under a garage, on which the items specified in subparagraph 1) of this paragraph are located on the basis of the right of ownership for less than a year from the date of registration of the ownership right;

3) land plots and (or) land shares, the designated use of which from the date of the emergence of ownership to the date of sale is individual housing construction, dacha construction, the running of a personal subsidiary farm, gardening, under a garage, on which items specified in subparagraph 1) of this paragraph are not located on the basis of the right of ownership for less than a year from the date of registration of the ownership right;

4) land plots and (or) land shares, the designated use of which is not specified in subparagraphs 2) and 3) of this paragraph;

5) investment gold;

6) immovable property, except for that specified in subparagraphs 1), 2), 3) and 4) of this paragraph;

7) motor vehicles and trailers subject to state registration, which are owned for less than a year;

8) securities, participatory interests and derivative financial instruments (except for derivative financial instruments executed through the acquisition or sale of an underlying asset).

2. Income from increase in value of an individual transferring the property specified in subparagraphs 1) - 7) of paragraph 1 of this article as a contribution to the authorized capital is positive difference between the value of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the value of its acquisition.

The provisions of this paragraph shall not apply to income from increase in value when transferring property received free of charge as a contribution to the authorized capital, which is determined in accordance with paragraphs 5, 6 and 7 of this article.

3. In case of transfer of immovable property acquired through participation in shared construction as a contribution to the authorized capital, income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the price of a shared construction participation agreement.

4. In case of transfer of immovable property, acquired as a result of the assignment of the right to claim a share in a residential building under a shared construction participation agreement, as a contribution to the authorized capital, income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the value at which a taxpayer acquired the right of claim of this share in a residential building under a shared construction participation agreement.

5. In case of transfer by an individual as a contribution to the authorized capital of the property specified in paragraph 1 of this article that was earlier included in a taxable item in accordance with paragraph 2 of Article 681 of this Code in the form of property received free of charge or for which income was earlier determined in the form of property received free of

charge in accordance with Article 238 of this Code, income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the value of the property received free of charge, earlier included in the income.

6. In case of transfer of a single-family detached house built by a person selling it as a contribution to the authorized capital, and also of property specified in subparagraphs 1) - 7) of paragraph 1 of this article, received in the form of inheritance, charitable assistance (except for the case provided for in paragraph 5 of this article), income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the market value of the property being transferred as of the date of the emergence of the ownership right.

In this case, a taxpayer must determine such a market value before a deadline set for the submission of an individual income tax declaration for the taxable period in which property is transferred as a contribution to the authorized capital. For the purposes of this paragraph, the market value is the value indicated in a report on appraisal conducted under an agreement between the appraiser and the taxpayer in accordance with the legislation of the Republic of Kazakhstan on appraisal activity.

7. In case of transfer as a contribution to the authorized capital of property legalized in accordance with the Law of the Republic of Kazakhstan “On Amnesty to citizens of the Republic of Kazakhstan, oralmans and persons having a residence permit in the Republic of Kazakhstan, due to legalization of their property” by a person who legalized it, when the price (value) of its acquisition is not available and the obligation for the payment of the legalization fee is fulfilled, income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the appraised value in tenge determined for the calculation of the legalization fee for the property transferred.

8. In the case specified in paragraph 6 of this article, without the market value of the property, specified in subparagraphs 1) - 7) of paragraph 1 of this article, transferred as a contribution to the authorized capital in accordance with constituent documents of a legal entity, determined as of the date of emergence of the ownership right, or if the deadline for determining the market value established by paragraph 6 of this article is not met, and also in other cases of no price (value) of acquisition of property, which are not specified in paragraph 6 of this article, income from increase in value is:

1) positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the estimated value - for the property specified in subparagraph 1) of paragraph 1 of this article. In this case, the appraised value is the value determined by the State Corporation “

Government for Citizens” for calculating the property tax as of January 1 of the year of emergence of the ownership right to the property transferred as a contribution to the authorized capital;

2) positive difference between the price (value) of property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the cadastral (appraised) value of a land plot - for the property specified in subparagraphs 2), 3) and 4) of paragraph 1 of this article. In this case, the cadastral (appraised) value is the value determined by the State Corporation “Government for Citizens” maintaining the state land cadaster as of the latest date below:

that of emergence of the ownership right to the land plot;

the last date preceding the date of emergence of the ownership right to the land plot;

3) in the amount of the price (value) of the property transferred as a contribution to the authorized capital according to constituent documents of a legal entity - for the property specified in subparagraphs 5), 6) and 7) of paragraph 1 of this article.

When transferring as a contribution to the authorized capital of a non-residential house (building) constructed by an individual transferring it, who is not an individual entrepreneur, income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the value of the land plot acquired for the construction of such a non-residential house (building).

In case of transfer as a contribution to the authorized capital of a non-residential house (building) not used in entrepreneurial activity, which was earlier reconstructed from a residential house (building), income from increase in value is positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the value of its acquisition as a residential house (building).

9. Income from increase in value when transferring as a contribution to the authorized capital of the property specified in subparagraph 8) of paragraph 1 of this article is:

1) positive difference between the price (value) of the property determined on the basis of the value of the contribution specified in constituent documents of a legal entity and the value of its acquisition – if the price (value) of the acquisition (deposit) is known. When transferring securities bought in an option by an individual as a contribution to the authorized capital, the purchase price is determined in the amount of the exercise price of the option and the option premium;

2) the price (value) of the property determined in the amount of the value of the contribution specified in constituent documents of a legal entity - if there is no price (value) of acquisition of property (contribution).

10. In case of sale, transfer as a contribution to the authorized capital of a motor vehicle and (or) a trailer received on the basis of a power of attorney for driving a motor vehicle and (

or) a trailer with the right of alienation, an attorney, for determining the property income before the deadline set for the submission of an individual income tax declaration, informs the owner of the vehicle (trailer) on the value at which the vehicle (trailer) was sold, transferred as a contribution to the authorized capital and the date of their sale, transfer as a contribution to the authorized capital, or fulfills the tax obligation for submitting an individual income tax declaration and payment of individual income tax on behalf of the owner of the vehicle (trailer), which is the fulfillment of the tax obligation of the owner of the motor vehicle (trailer).

Article 334. Income from increase in value in the sale of other assets by an individual entrepreneur applying a special tax regime for small business entities or for peasant or farm enterprises

1. For the purposes of this article, other assets include assets that are not inventories and claims such as:

- 1) fixed assets used in entrepreneurial activity;
- 2) construction in progress;
- 3) uninstalled equipment;
- 4) intangible assets;
- 5) biological assets;

6) fixed assets, the value of which was fully deductible in accordance with the tax legislation of the Republic of Kazakhstan effective before January 1, 2000, if such fixed assets were fixed assets in taxable periods in which an individual entrepreneur performed settlements with the state budget in accordance with the generally established procedure and the asset was a fixed asset;

7) assets put into operation within an investment project under contracts concluded before January 1, 2009 in accordance with the legislation of the Republic of Kazakhstan on investments, the value of which was fully deductible, in case an individual entrepreneur earlier performed settlements with the state budget in accordance with the generally established procedure and the asset was a fixed asset.

2. When an individual entrepreneur applying a special tax regime for small business entities or for peasant or farm enterprises sells other assets, increase is determined for each asset as positive difference between the selling price (value) and the initial value.

3. Unless otherwise established by this article, for the purposes of this article, the initial value of other assets is aggregate costs of acquisition, production, construction, assembly, installation, reconstruction and modernization, except for the costs (expenses) specified in subparagraphs 1) - 6) and 8) of Article 264 of this Code.

In this case, reconstruction and modernization are recognized in accordance with paragraph 1 of Article 269 of this Code.

4. If another asset was received free of charge, for the purposes of this article, the initial value is the value of this asset included in a taxable item in accordance with paragraph 2 of Article 681 of this Code in the form of property received free of charge.

5. In case of sale of another asset received in the form of inheritance, charitable assistance, except for the case provided for in paragraph 4 of this article, the initial value is the market value of such an asset as of the date of acquisition of the right of ownership by an individual entrepreneur applying a special tax regime for small business entities or for peasant or farm enterprises to the asset indicated in a report on appraisal conducted under a contract between the appraiser and the individual entrepreneur in accordance with the legislation of the Republic of Kazakhstan on appraisal activity.

In this case, the market value of another asset shall be determined before a deadline set for submitting an individual income tax declaration for the taxable period in which such assets were sold.

6. The initial value of another asset is zero in the following cases:

1) if there is no market value of another asset determined as of the date of the emergence of the right of ownership to it;

2) if the deadline for determining the market value established by paragraph 5 of this article is not met;

3) if there are no source documents confirming the costs provided for in paragraph 3 of this article, except for the cases specified in paragraphs 4 and 5 of this article;

4) for the assets specified in subparagraphs 6) and 7) of paragraph 1 of this article.

Article 335. Income from the assignment of the right to claim, including a share in a residential building under a shared construction participation agreement

1. Income from the assignment of the right of claim is positive difference between the value of the assignment of the right of claim and the value at which an individual acquired this right.

2. Income from the assignment of the right to claim a share in a residential building under a shared construction participation agreement is positive difference between the value of assignment of the right of claim and the price of the shared construction participation agreement.

3. Income from the assignment of the right to claim a share in a residential building under a shared construction participation agreement earlier acquired by way of assignment of the right of claim under a shared construction participation agreement is positive difference between the value of assignment of the right of claim and the value at which an individual earlier acquired this right.

Article 336. Income of a private practice owner

Income of a private practice owner includes:

1) income of a private notary;

2) income of a private law enforcement agent;

- 3) income of a lawyer;
- 4) income of a professional mediator.

Income of private practice owners is all types of income derived from activities on implementation of execution documents, notarial activity, advocacy, the activity of a professional mediator, including, respectively, payment for legal assistance, commission of notarial acts, as well as amounts received for reimbursement of expenses for defense and representation.

Article 337. Income of an individual entrepreneur

1. Income of an individual entrepreneur applying the generally established regime is determined in accordance with Article 366 of this Code.

2. The income of an individual entrepreneur applying a special tax regime shall be determined in accordance with this Article, unless otherwise established by Section 20 of this Code.

Article 338. Other income from sources outside the Republic of Kazakhstan

Other income from sources outside the Republic of Kazakhstan is recognized as all types of income not specified in subparagraphs 1) - 16) of Article 321 of this Code (to be) received by a taxpayer in a reporting taxable period from a person who is not a tax agent and is not income from sources in the Republic of Kazakhstan regardless of the place of payment.

Article 339. General provisions on a controlled foreign company

The financial profit of a controlled foreign company or the financial profit of a permanent establishment of a controlled foreign company shall not be subject to double taxation.

Double taxation shall be eliminated by applying the following provisions:

- 1) exemption from taxation in accordance with in accordance with paragraph 2 of Article 340 of this Code;
- 2) updating the financial profit before tax of a controlled foreign company, subject to the conditions specified in paragraph 3 of Article 297 of this Code;
- 3) a reduction in financial profit before tax of a controlled foreign company in accordance with paragraph 3 of Article 340 of this Code;
- 4) offset against the payment of individual income tax in the Republic of Kazakhstan in accordance with the procedure, determined by paragraph 2 of Article 359 of this Code.

Article 340. Taxation of the profit of a controlled foreign company

1. Consolidated profit of controlled foreign companies or permanent establishments of controlled foreign companies, calculated with account of the provisions of this article and Article 297 of this Code, is included in the annual income of a resident individual and is subject to individual income tax in the Republic of Kazakhstan.

Such consolidated profit of controlled foreign companies or permanent establishments of controlled foreign companies shall be included in an individual income tax declaration.

2. The financial profit of a controlled foreign company or the financial profit of a permanent establishment of a controlled foreign company is exempt from taxation in the Republic of Kazakhstan if one of the following conditions is observed:

1) in case of indirect participation or indirect control of a resident in a controlled foreign company through another resident;

2) in case of indirect participation or indirect control of a resident in a controlled foreign company through a person that is not a controlled person;

3) if the profit tax was levied on the financial profit of a permanent establishment of a controlled foreign company at an effective rate of 10 or more percent in the state of registration of the controlled foreign company that set up the permanent establishment;

4) if the profit tax was levied on the financial profit of a permanent establishment of a controlled foreign company at an effective rate of 10 or more percent in the state of registration of the controlled person through which the resident indirectly owns participatory interests or has indirect control interest in a controlled foreign company;

5) if the share of passive income of a controlled foreign company or a permanent establishment of a controlled foreign company, except for those registered in countries with preferential taxation, is less than 20 percent;

6) with direct and (or) indirect ownership and (or) control by an investment resident of the Astana International Financial Center in a controlled foreign company.

For the purposes of this paragraph, a resident individual must have supporting documents specified in paragraph 2 of Article 296 of this Code.

3. A resident individual shall have the right to a reduction in the financial profit before tax of a controlled foreign company or the financial profit before tax of a permanent establishment of a controlled foreign company by the following amounts:

1) the amount of reduction, determined according to the following formula:

$Y = FP \times (D(1)/SSD)$, where:

Y – the amount of the reduction;

FP – the positive value of the financial profit before taxation of the controlled foreign company;

D(1) – taxable income of a controlled foreign company from entrepreneurial activities in the Republic of Kazakhstan through a branch, representative office, permanent establishment, subject to corporate income tax in the Republic of Kazakhstan at a rate of 20 percent or more, within the taxable income of the branch, provided that the financial profit before tax of the controlled foreign company takes into account the taxable income specified in this subparagraph;

SSD – the total amount of income;

2) the amount of reduction, determined according to the following formula:

$Y = FP \times (D(2)/SSD)$, where:

Y – the amount of reduction;

FP – the positive value of the financial profit before taxation of the controlled foreign company;

D(2) – income from the provision of services (performance of work) in the Republic of Kazakhstan without establishing a permanent establishment, received by a controlled foreign company from sources in the Republic of Kazakhstan, subject to corporate income tax in the Republic of Kazakhstan at the source of payment at a rate of 20 percent, provided that financial profit before tax is determined taking into account the income specified in this subparagraph;

SSD – the total amount of income;

3) dividends received by a controlled foreign company from sources in the Republic of Kazakhstan that are not subject to corporate income tax at the source of payment in accordance with subparagraph 3) of paragraph 9 of Article 645 of this Code, provided that the financial profit before tax of the controlled foreign company includes such income;

4) the amount of dividends received by one controlled foreign company from another controlled foreign company included in the single organizational structure of the consolidated group.

At the same time, the financial profit of one controlled foreign company must include such dividends that were previously subject to individual income tax on the financial profit of another such controlled foreign company in the Republic of Kazakhstan and (or) reduced according to subparagraphs 3), 5), 6), 7), 8) and 9) of this paragraph or part one of this subparagraph;

5) the amount of dividends received by a controlled foreign company from a foreign company included in the single organizational structure of the consolidated group.

At the same time, the financial profit of one controlled foreign company must include such dividends that were previously subject to individual income tax on the financial profit of another such controlled foreign company in the Republic of Kazakhstan and (or) reduced in accordance with subparagraphs 3), 4), 6), 7), 8) and 9) of this paragraph or part one of this subparagraph;

6) the amount of reduction, determined according to the following formula:

$Y = FP \times (D(6)/SSD)$, where:

Y – the amount of reduction;

FP – the positive value of the financial profit before taxation of the controlled foreign company;

D(6) – income in the form of remuneration and (or) from capital gains and (or) in the form of royalties received by a controlled foreign company from sources in the Republic of Kazakhstan, previously subject to corporate income tax at the source of payment in the Republic of Kazakhstan, provided that the financial profit before tax of the controlled of a foreign company includes such income;

SSD – the total amount of income;

7) the amount of reduction, determined according to the following formula:

$Y = FP \times (D(7) / SSD)$, where:

Y – the amount of reduction;

FP – the positive value of the financial profit before taxation of the controlled foreign company;

D(7) – capital gains received by one controlled foreign company from the sale of another controlled foreign company that is the founder of a resident of the Republic of Kazakhstan that meets the conditions of subparagraph 7) or 8) of paragraph 9 of Article 645 of this Code, provided that the financial profit of one controlled foreign company includes such income;

SSD – the total amount of income;

8) income in the form of remuneration and (or) from capital gains and (or) in the form of royalties received by a controlled foreign company from sources in the Republic of Kazakhstan that are not subject to corporate income tax at the source of payment in accordance with subparagraphs 6), 7), 8) and 9) of paragraph 9 of Article 645 of this Code, provided that the financial profit before tax of the controlled foreign company includes such income;

9) the amount of dividends received by a controlled foreign company from sources in the Republic of Kazakhstan, previously subject to corporate income tax in the Republic of Kazakhstan at the source of payment, provided that financial profit before tax includes such dividends;

10) the amount of dividends received by a controlled foreign company from a foreign company included in the single organizational structure of the consolidated group.

At the same time, the financial profit of one controlled foreign company must include such dividends received from sources of the Republic of Kazakhstan that were previously subject to corporate income tax at the source of payment in the Republic of Kazakhstan and (or) were not subject to corporate income tax at the source of payment according to subparagraphs 3), 4) and 5) of paragraph 9 of Article 645 of this Code.

The provisions of part one of this paragraph do not apply to a controlled foreign company and (or) a permanent establishment of a controlled foreign company that is registered in states with preferential taxation.

In order to apply part one of this paragraph, a resident individual must have the supporting documents specified in paragraph 10 of Article 297 of this Code.

4. A resident individual is obliged to submit a statement of participation (control) in a controlled foreign company in the manner specified in Article 298 of this Code.

Note.

The definitions of the terms used in this article are provided in Article 294 of this Code.

Clause 3. Income adjustment

Article 341. Income adjustment

1. The following types of income (hereinafter referred to as income adjustment) are excluded from the income of an individual, which is subject to taxation:

1) alimony received for children and dependents;

2) remuneration paid to individuals on their deposits with banks and organizations carrying out certain types of banking operations on the basis of a license of the authorized state body for regulation, control and supervision of the financial market and financial organizations registered in the territory of the Republic of Kazakhstan;

3) interest on debt securities;

4) interest on government-issued securities, agency bonds;

5) income from increase in value when selling state securities;

6) income from increase in value when selling agency bonds;

7) dividends and fees on securities included in the official list of stock exchanges operating on the territory of the Republic of Kazakhstan on the date of accrual of such dividends and fees.

The provision of part one of this sub-paragraph shall apply to dividends on securities traded on the stock exchange during a calendar year subject to the criteria set by the Government of the Republic of Kazakhstan;

8) dividends collected from a resident legal entity in a calendar year up to 30,000 times the monthly calculation index specified in the law on the republican budget and in force as of 1 January of the respective financial year, when distributing:

the net income or part thereof payable on the shares, including the underlying assets of the depositary receipts;

net income or part thereof distributed by a resident legal entity to its founders, participants ;

income obtained from the distribution of property upon liquidation of a resident legal entity or upon a reduction in charter capital, as well as upon repurchase by a legal entity from a founder or participant of an interest or part thereof in that resident legal entity and upon repurchase by such a legal entity-issuer from a shareholder of shares issued by that issuer;

8-1) value gains on the sale of units of open-end and interval mutual funds;

9) the income of a serviceman in connection with the performance of military service duties, an employee of special state agencies, a law enforcement officer (except for a customs officer), an employee of the state courier service in connection with the performance of official duties;

10) all types of payments received in connection with the performance of official duties in other troops and military formations, law enforcement bodies (except for customs authorities) , the state courier service by persons whose rights to have military, special ranks, class ranks and wear uniforms were abolished on January 1, 2012;

11) one lottery winning up to 6 times the monthly calculation index established for a relevant financial year by the law on the national budget and effective as of the date of accrual of such winnings;

12) payments in connection with the performance of public works and vocational training funded from the state budget and (or) with grants, in the amount of 12 times the monthly calculation index established for a relevant financial year by the law on the national budget and effective as of the date of such payment;

13) payments in accordance with the laws of the Republic of Kazakhstan “On Social Protection of Citizens Affected by Environmental Disasters in the Aral Sea Region” and “On Social Protection of Citizens Affected by Nuclear Tests at the Semipalatinsk Nuclear Test Site”.

The provisions of this subparagraph shall apply when an individual submits:

an application for applying the income adjustments within the limits established by the laws of the Republic of Kazakhstan "On social protection of citizens affected by the environmental disaster in the Aral Sea area" and "On social protection of citizens affected by nuclear tests at the Semipalatinsk nuclear test site";

copies of supporting documents;

14) income from a personal subsidiary farm of each person engaged in personal subsidiary farming - for a year up to the amount of 282 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year.

In this case, income from a personal subsidiary farm is recognized as income from the sale by a person engaged in personal subsidiary farming to a procurement organization in the agro-industrial sphere, to an agricultural cooperative and (or) to a legal entity processing agricultural raw materials, of agricultural products from a personal subsidiary farm such as:

live dairy cattle;

live cattle;

live horses and other equine animals;

live camels and camelids;

live sheep and goats;

live pigs;

live poultry;

fresh shelled eggs;

fresh or chilled meat of cattle, pigs, sheep, goats, horses and equine animals;

raw milk of dairy cattle;

fresh or chilled poultry meat;

potatoes;

carrots;

cabbages;

eggplants;
tomatoes;
cucumbers;
garlic;
onions;
sugar beets;
apples;
pears;
quince fruits;
apricots;
cherries;
peaches;
plums;

pinched wool, hides, raw skins of cattle, of equine animals, sheep, goats.

For the purposes of applying this subparagraph, the types of products shall be determined in accordance with the Product Classifier by types of economic activity approved by the authorized state body for state regulation in the field of technical regulation.

The provisions of this subparagraph shall be applied only by one tax agent - a procurement organization in the agro-industrial sphere, an agricultural cooperative and (or) a legal person processing agricultural raw materials, with respect to an individual who has submitted to the procurement organization in the agro-industrial sphere, to the agricultural cooperative and (or) to the legal person processing agricultural raw materials, the following documents:

a statement of ownership of a personal subsidiary farm in accordance with the legislation of the Republic of Kazakhstan;

confirmation from a local executive body of availability in the personal subsidiary farm of
:

a land plot specifying its area;

pets specifying their number;

poultry specifying their number;

application for the adjustment of income subject to taxation.

In this case, the documents are submitted to the tax agent at least once in a calendar year, in which such an adjustment is applied;

15) income from increase in value when selling shares, participatory interests in a resident legal entity or consortium established in the Republic of Kazakhstan. This subparagraph is applied provided all of the following requirements are met:

a taxpayer has been holding shares or participatory interests for more than three years as of the date of sale of shares and participatory interests;

such an issuing legal entity or such a legal entity, the participatory interest in which is being sold, or a participant in such consortium selling a share in such consortium, is not a subsoil user;

the property of a person (persons) that is (are) a subsoil user (subsoil users) in the value of assets of such an issuing legal entity or such a legal entity, the participatory interest in which is being sold, or in the total value of assets of participants in such consortium, a participatory interest in which is being sold, is not more than 50 percent as of the date of such a sale.

For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of its right to extract groundwater and (or) common mineral resources for its own needs.

In this case, a share of property of a person (persons) that is (are) a subsoil user (subsoil users) in the value of assets of a legal entity or consortium whose shares or participatory interests are being sold is determined in accordance with Article 650 of this Code;

16) income from increase in value when selling securities that are in official lists of a stock exchange operating in the territory of the Republic of Kazakhstan as of the day of sale through open bids at a stock exchange;

17) the following payments from the state budget (except for payments in the form of labor remuneration) in accordance with the legislation of the Republic of Kazakhstan:

in the form of difference between the amount of compulsory pension contributions actually made, compulsory professional pension contributions taking into account the level of inflation, and the amount of pension savings in the unified accumulative pension fund at the time the recipient acquired the right to pension payments in accordance with the legislation of the Republic of Kazakhstan on social protection;

in case of injury to life and health – to civil servants, including employees of special state and law enforcement bodies, servicemen, members of their families, dependents, heirs and persons entitled to receive them in the amounts established by the legislation of the Republic of Kazakhstan;

in the form of bonuses - to persons who reported a fact of corruption offense or otherwise assisting in countering corruption in the manner determined by the Government of the Republic of Kazakhstan;

in the form of compensation for damages in connection with a natural disaster or other emergency circumstances;

in the form of compensation for property damage caused during the state of emergency;

in the form of compensation payments - upon termination of an employment agreement in the amounts established by the legislation of the Republic of Kazakhstan;

in the form of awards – to prize-winners of and participants in the Universiades and members of the national teams of the Republic of Kazakhstan for strong performance at international competitions in the amounts established by the legislation of the Republic of Kazakhstan;

in the form of a monthly lifelong support - to retired judges who have reached the retirement age;

in the form of state prizes, state stipends established by the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, in the amounts established by the legislation of the Republic of Kazakhstan;

18) payments up to the amount of 94 times the monthly calculation index established by the law on the national budget and effective as of January 1 of a relevant financial year, for each type of payments made by a tax agent during a calendar year:

to cover expenses of an individual for medical services (except for cosmetology) - when the individual provides documents confirming the receipt of medical services (except for cosmetology) and the actual expenses for their payment, or the employer's expenses for payment of insurance premiums under voluntary insurance contracts for the benefit of the employee in case illness - given a voluntary insurance contract in case of illness and a document confirming the payment of insurance premiums under a voluntary insurance contract in case of illness;

in the form of material support to an employee for a child birth - when the employee provides a copy of the certificate (certificates) of the birth of the child (children);

for burial - if there is a death certificate.

This income is exempt from taxation on the basis of an application for income adjustment and given supporting documents;

The provisions of this subparagraph shall not apply to cases provided for in subparagraph 10-1) of paragraph 2 of Article 319 of this Code;

19) official income of diplomatic or consular employees who are not citizens of the Republic of Kazakhstan;

20) official income of foreigners who are civil servants of a foreign state in which their income is subject to taxation;

21) official income in foreign currency of individuals, who are citizens of the Republic of Kazakhstan and working for diplomatic and equivalent missions of the Republic of Kazakhstan abroad, paid from the state budget;

22) age pension payments, long service leave payments and (or) basic state pension payment;

23) premiums on deposits in housing construction savings (state premium) paid from the state budget in the amounts established by the legislation of the Republic of Kazakhstan;

24) state premiums on educational accumulative deposits paid from the state budget in the amounts established by the Law of the Republic of Kazakhstan "On the State Educational Accumulation System";

25) tuition expenses incurred in accordance with subparagraph 4) of paragraph 1 of Article 288 of this Code;

26) social welfare payments from the State Social Insurance Fund;

27) income in the form of employer's expenses for maternity leave, leave for employees who have adopted a newborn child (children), minus the amount of social benefits in case of loss of income in connection with pregnancy and childbirth, adoption of a newborn child (children), carried out in accordance with the legislation of the Republic of Kazakhstan on social protection - within 12 times the monthly calculation index established by the law on the republican budget and valid on the date of accrual of income.

The provisions of this subparagraph shall apply if the employer's expenses specified in this subparagraph are stipulated by the terms of a labor and (or) collective agreement, by the employer's act;

28) scholarships paid by organizations to persons studying at educational organizations in the amounts set for state scholarships by the legislation of the Republic of Kazakhstan;

29) special scholarships of the President of the Republic of Kazakhstan and scholarships of the President of the Republic of Kazakhstan, established by the President of the Republic of Kazakhstan, paid by educational organizations to their students in the manner and in the amounts established by the legislation of the Republic of Kazakhstan;

30) state personal scholarships established by the Government of the Republic of Kazakhstan, paid by educational organizations to their students in the manner and in the amounts established by the legislation of the Republic of Kazakhstan;

31) payments to cover expenses related to the organization of training and internships for the winners of the competition for Kazakhstan President's Bolashak International Scholarship, in the manner and in the amounts established by the legislation of the Republic of Kazakhstan;

32) compensation of travel expenses for persons studying under the state educational order, paid in the amounts established by the legislation of the Republic of Kazakhstan;

33) property, including works and services received by an individual free of charge from another individual, including in the form of donation and inheritance.

The provisions of this subparagraph do not apply to:

property received by an individual entrepreneur and intended for use in entrepreneurial purposes;

pension savings inherited in accordance with the procedure established by the legislation of the Republic of Kazakhstan, paid by a single accumulative pension fund and voluntary accumulative pension funds;

34) the value of property received in the form of charity and sponsorship;

35) the value of permits to children's camps for children under the age of sixteen;

36) insurance payments related to the insured event that occurred during the validity period of the contract, paid for any type of insurance, except for income provided for in Article 329 of this Code;

37) insurance payments made by insurance companies under accumulative insurance contracts, insurance premiums for which were paid by an individual in his/her favor and (or) in favor of close relatives, spouse and (or) employer in favor of the employee;

37-1) redemption amounts paid by insurance organizations under accumulative insurance contracts in accordance with the legislation of the Republic of Kazakhstan on insurance and insurance activities;

38) net income from trust management of the founder of trust management received from a resident individual, including an individual entrepreneur who is a trust manager;

39) dividends distributed from the financial profit (or part thereof) of a controlled foreign company and (or) a foreign company included in a single organizational structure of a consolidated group, previously subject to individual income tax according to Article 340 of this Code;

40) income from an investment deposit placed with the Islamic bank;

41) targeted social assistance, benefits and compensation paid from the budget in the amounts established by the legislation of the Republic of Kazakhstan, as well as subsidies from the budget to pay for rented housing in private housing stock under the housing legislation of the Republic of Kazakhstan;

42) compensation for injury to life and health of an individual, in accordance with the legislation of the Republic of Kazakhstan, except for non-pecuniary damage;

43) insurance payments under agreements on employees' insurance against accidents in the performance of their work (official) duties and annuity insurance contracts concluded by the employer in respect of compensation for injury to life and (or) health of the employee in connection with the performance of his/her work (official) duties;

44) the amount of compensation for pecuniary damage awarded by a court decision, as well as court costs;

45) the value of property received in the form of humanitarian assistance;

46) insurance premiums paid by the employer under compulsory insurance agreements for their employees;

47) payments at the expense of grants (except for payments in the form of wages);

48) income from the sale of scrap and waste of non-ferrous and ferrous metals to a legal person engaged in the collection of such scrap and waste - in the amount of 85 percent of the amount of such income.

When determining the income provided for in this subparagraph, tax deductions, specified in Chapter 37 of this Code, shall not be applied;

49) excluded by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (effective from 01.01.2021);

50) income of employees of legal entities, specified in subparagraph 6) of paragraph 1 of Article 293 of this Code.

51) was valid until 01.10.2020 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2020 № 354-VI;

52) income of an individual received in the form of expenses of a non-profit organization determined by paragraph 1 of Article 289 of this Code, income of an individual received in the form of expenses of a non-profit organization determined by paragraph 1 of Article 289 of this Code, as part of the implementation of the statutory goals and tasks for travel, accommodation and meals of an individual who is not employed by such an organization and (or) is not under the contract for the provision of services, performance of work;

53) insurance premiums (insurance payments - if the contract provides for the payment of insurance premiums in installments) within the 320-fold amount of the monthly calculation index established by the law on the republican budget and the relevant financial one in force as of January 1, paid within a calendar year by a resident individual according to accumulative insurance contract concluded for a period of three or more.

For the purposes of part one of this subparagraph, the income adjustment shall be applicable in the tax period in which the date of payment of the insurance premium (insurance premium) falls, and the supporting documents for applying such an adjustment shall be:

application for the application of a tax deduction;

accumulative insurance contract;

schedule for payment of insurance premiums (if any);

document confirming the payment of the insurance premium (insurance payments);

54) unclaimed amount of guarantee compensation recorded on an individual pension account for accounting for voluntary pension contributions in accordance with the terms of the agreement on pension provision at the expense of voluntary pension contributions;

55) was in effect from 01.01.2023 to 01.01.2025 in accordance with the Law of the Republic of Kazakhstan dated 21.12.2022 No. 165-VII;

56) income from the increase in value upon the sale of digital assets for which income shall be calculated in accordance with paragraph 2-1 of Article 681 of this Code.

2. If the income adjustment provided for in subparagraphs 13), 14) and 18) of paragraph 1 of this article is not applied by the tax agent to the income of an individual due to the appeal of an individual later than the date of withholding of individual income tax from such income, then the individual has the right to submit to the tax agent who withheld individual income tax from such income an application and supporting documents on the basis of which the tax agent recalculates income within the limitation period provided for in paragraph 2 of Article 48 of this Code.

Chapter 37. Tax Deductions

Article 342. General provisions on tax deductions

1. An individual has the right to apply the following types of tax deductions:

1) tax deduction in the form of mandatory pension contributions - in the amount established by the legislation of the Republic of Kazakhstan on social protection;

1-1) tax deduction on contributions to compulsory social health insurance - in the amount established by the legislation of the Republic of Kazakhstan on compulsory social health insurance;

2) tax deduction with respect to pension payments and accumulative insurance agreements ;

3) standard tax deductions (hereinafter referred to as standard deductions);

4) other tax deductions (hereinafter referred to as other deductions), which include:

tax deduction for voluntary pension contributions;

tax deduction for medicine;

tax deduction for remuneration.

2. Tax deductions are applied by:

1) a tax agent –for income subject to taxation at the source of payment, in the manner and in cases provided for in Article 343 of this Code;

2) an individual on his/her own - for income subject to self-assessment by an individual in accordance with paragraph 3 of this article.

3. Tax deductions are applied when calculating the individual income tax on the aggregate amount of income subject to self-assessment by an individual if these deductions were not made in determining the income of an employee.

4. Tax deductions are applied on the basis of documents confirming the right to apply tax deductions (hereinafter referred to as supporting documents). An individual retains original copies of such documents within the limitation period set by paragraph 2 of Article 48 of this Code.

5. Tax deductions shall be applied in the sequence indicated in paragraph 1 of this article.

Note.

For the purposes of this chapter, the monthly calculation index is the monthly calculation index established by the law on the national budget and effective as of 1 January of a relevant financial year.

Article 343. Features of application of tax deductions by a tax agent

1. Tax deductions, with the exception of tax deductions in the form of mandatory pension contributions, on contributions to compulsory social health insurance and on pension payments specified in paragraph 1 of Article 345 of this Code, are applied by the withholding agent at the source of payment on the basis of:

1) an application for tax deductions of an individual;

2) copies of supporting documents. Such copies shall be retained by the tax agent within the limitation period set by paragraph 2 of Article 48 of this Code.

2. In case of change of a tax agent within a calendar year, except for cases of its reorganization, the unused amount of the tax deduction formed by the previous tax agent is not recognized by the new tax agent.

The provision of this paragraph does not apply to standard deductions specified in subparagraphs 2) and 3) of paragraph 1 of Article 346 of this Code, with respect to which the excess of the tax deduction formed by the previous tax agent is recognized by the new tax agent within the limits established by this Code. In this case, an individual provides a statement of settlements with an individual issued by a previous tax agent.

3. An individual shall have the right to apply for a tax period a certain type of tax deduction with only one tax agent, with the exception of tax deductions in the form of mandatory pension contributions and contributions to compulsory social health insurance.

4. If tax deductions have not been applied by the tax agent to the income of an individual due to the appeal of an individual later than the date of withholding of individual income tax from such income, then the individual has the right to submit to the tax agent who withheld the individual income tax from such income, an application and confirming documents on the basis of which the tax agent recalculates income within the limitation period provided for in paragraph 2 of Article 48 of this Code.

Article 344. Features of application of tax deductions by an individual on his/her own

The amount of excess tax deductions formed by a tax agent, as well as the amount of a tax deduction not applied by the tax agent, is accounted for by an individual on his/her own when calculating the self-assessed taxable income of an individual.

Article 345. Tax deduction for pension payments and under accumulative insurance agreements

1. The amount of a tax deduction, applied to taxable income in the form of pension payments, is as follows:

1) for payments provided for in subparagraph 1) of Article 326 of this Code, – in the amount of the 14-fold monthly calculation index established by the law on the republican budget and effective on the date of accrual of income in the form of a pension payment, for each month for which the pension payment is made;

2) for payments provided for in subparagraph 2) of Article 326 of this Code, – in the amount of the 168-fold monthly calculation index established by the law on the republican budget and effective on the date of accrual of income in the form of a pension payment.

2. A tax deduction in the amount of the 14-fold monthly calculation index established by the law on the republican budget and valid on the date of accrual of income in the form of an insurance payment, for each month of accrual of income in the form of an insurance payment for which an insurance payment is made, shall apply to the income under accumulative insurance contracts subject to taxation in the form of insurance payments made by insurance companies whose insurance premiums were paid out of pension savings in the unified accumulative pension fund.

Article 346. Standard deductions

1. Standard deductions are as follows:

1) The 14-fold monthly calculation index, established by the law on the republican budget and in force on January 1 of the corresponding financial year. The standard deduction shall apply for each calendar month. The total amount of the standard deduction for a calendar year should not exceed the 168-fold monthly calculation index established by the law on the republican budget and in force on January 1 of the corresponding financial year;

2) 882 times the monthly calculation index for a calendar year on the grounds that such a person, as of the date of application of this subparagraph, is:

a participant of the Great Patriotic War, a person equated in benefits to the participants of the Great Patriotic War, and a veteran of military operations on the territory of other states;

a person decorated with orders and medals of the former USSR for selfless labor and perfect military service in the rear during the Great Patriotic War;

a person who worked (served) for at least six months from June 22, 1941 to May 9, 1945 and was not awarded orders and medals of the former USSR for selfless labor and perfect military service in the rear during the Great Patriotic War;

a person with the first, second or third degree of disability;

a child with a disability.

If an individual has several grounds for applying this subparagraph, the exclusion of income shall not exceed the income limit established by this subparagraph;

3) 882 times the monthly calculation index for a calendar year on the grounds that such a person, as of the date of application of this subparagraph, is:

one of the parents, guardians or custodians of a child with a disability - for each such child with a disability up to the age of eighteen;

one of the parents, guardians or custodians of a person declared to be a person with a disability on account of a person with a disability from childhood" - for each such person during his or her lifetime;

an adoptive parent - for each such person before an adopted child reaches the age of eighteen;

one of adoptive parents who adopted orphans and children without parental care in a foster family - for each such person for the period of validity of an agreement on placing orphans, children without parental care in a foster family.

The provisions of this subparagraph do not apply to:

employees of administrations of relevant educational organizations, medical organizations, social protection organizations who are custodians and guardians of persons in need of custody and guardianship, by virtue of labor relations with such organizations;

persons marrying the mother or father of an adopted child (children) in accordance with the marriage and family legislation of the Republic of Kazakhstan.

2. Standard deductions provided for in subparagraphs 2) and 3) of paragraph 1 of this article shall be applied in the calendar year in which a ground arose, is and was for the application of these tax deductions.

Article 347. Tax deduction for voluntary pension contributions

1. A tax deduction for voluntary pension contributions shall be applied by an individual - resident of the Republic of Kazakhstan for expenses on payment of voluntary pension contributions in accordance with the legislation of the Republic of Kazakhstan on social protection, made in his own favor.

2. A document evidencing the payment of voluntary pension contributions shall serve as proof of the application of the tax deduction for voluntary pension contributions.

3. A tax deduction for voluntary pension contributions is applied in the taxable period on which the date of payment of voluntary pension contributions falls.

4. The provisions of this Article shall not apply to the unclaimed amount of the guarantee compensation accounted for on an individual pension account for accounting for voluntary pension contributions in accordance with the terms of the agreement on pension provision at the expense of voluntary pension contributions.

Article 348. Tax deduction for medical expenses

1. A tax deduction for medical expenses is applied to expenses for the payment of medical services (except for cosmetology).

The provisions of this Article shall not apply to cases provided for in subparagraph 10-1) of paragraph 2 of Article 319 of this Code.

2. A tax deduction for medical expenses is applied by a resident individual of the Republic of Kazakhstan to medical expenses incurred for his/her own benefit.

3. A tax deduction for medical expenses is applied in the amount not exceeding 94 times the monthly calculation index determined for a calendar year.

At the same time, the total amount of the tax deduction for medicine and income adjustments to cover the costs of an individual for medical services (except for cosmetology) and (or) the employer's expenses for paying insurance premiums in favor of the employee under voluntary health insurance contracts in accordance with subparagraph 18) of paragraph 1 of Article 341 of this Code shall not exceed the amount of 94-fold monthly calculation index for a calendar year

4. Supporting documents for applying the tax deduction for medical expenses are:

1) a contract for the provision of paid medical services specifying the cost of medical services - in case of its conclusion in writing;

2) an extract containing information on the cost of medical services;

3) a document confirming the fact of payment for medical services.

5. Tax deductions for expenses for medical services are applied in the taxable period in which the latest of the following dates occurs:

the date of receipt of medical services;

the date of payment for medical services.

6. When paying for medical services provided outside the Republic of Kazakhstan in foreign currency, the expenses specified in paragraph 1 of this article shall be recalculated in

tenge using the official exchange rate of the national currency of the Republic of Kazakhstan to foreign currencies as of the date of payment.

Article 349. Tax deduction for remuneration

1. A resident individual of the Republic of Kazakhstan applies a tax deduction for remuneration to the expenses for remuneration on mortgage housing loans received from housing construction savings banks to improve housing conditions in the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on housing construction savings, incurred for his/her own benefit.

2. Supporting documents for the application of the tax deduction for remuneration are:

1) a mortgage housing loan agreement with a housing construction savings bank to improve housing conditions in the territory of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on housing construction savings;

2) the schedule for the mortgage housing loan repayment specifying the amount of remuneration;

3) a document confirming the repayment of remuneration on such a loan.

3. Tax deductions are applied in the taxable period in which the latest of the following dates occurs:

the date of repayment of remuneration according to the schedule of mortgage housing loan repayment;

the date of payment of remuneration.

Chapter 38. The Order for the Calculation, Payment and Filing of Tax Returns on Individual

Income Tax Withheld at the Source of Payment

Article 350. General provisions on individual income tax withheld at the source of payment

1. The calculation, withholding and payment of the individual income tax to the budget shall be made at the source of payment by the tax agent for the income specified in subparagraphs 1) - 12) and 17) of Article 321 of this Code if such income is (to be) paid by the said tax agent.

2. Unless otherwise established by paragraph 3 of this article, the following persons, who pay income to a resident individual, are recognized as tax agents:

1) an individual entrepreneur;

2) a private practice owner;

3) a legal entity, including a non-resident, operating in the Republic of Kazakhstan through a permanent establishment.

In this case, a non-resident legal entity is recognized as a tax agent from the date of registration of its branch, representative office or permanent establishment without setting up a branch or representative office with tax authorities of the Republic of Kazakhstan;

4) a non-resident legal entity operating in the Republic of Kazakhstan through a branch or representative office if a branch or representative office does not set up a permanent establishment in accordance with an international treaty regulating the avoidance of double taxation and the prevention of tax evasion, or Article 220 of this Code.

3. The persons below are not deemed to be tax agents:

1) diplomatic and equivalent representations of a foreign state, consular offices of a foreign state accredited in the Republic of Kazakhstan;

2) international and state organizations, foreign and Kazakh non-governmental public organizations and funds, exempt from the obligation to calculate, withhold and transfer individual income tax at the source of payment in accordance with international treaties ratified by the Republic of Kazakhstan.

4. A resident legal entity may, by its decision, simultaneously assign to its structural unit responsibilities for:

the calculation, withholding and transfer of individual income tax on income subject to taxation at the source of payment, which is calculated, paid by such a structural unit;

the calculation and payment of social tax on taxable items, which are expenses of such a structural unit.

The adoption of such a decision by a resident legal entity is put into effect:

in respect of the newly established structural unit - from the day of establishment of this structural unit or from the start of a quarter following the quarter in which this structural unit was set up;

in other cases - from the start of a quarter following the quarter in which such a decision was made.

The cancellation of such a decision of a resident legal entity takes effect from the start of a quarter following the quarter in which such a decision was canceled.

5. The calculation and withholding of individual income tax on income from depositary receipts is made by the issuer of the underlying asset of such depositary receipts.

The procedure for the fulfillment of a tax obligation by a tax agent for income paid to a resident in the form of dividends on shares that are the underlying asset of depositary receipts, as well as the refund of income tax withheld at the source of payment, is determined in accordance with Article 310 of this Code.

Article 351. Calculation, withholding, and payment of individual income tax

1. A tax agent calculates individual income tax on income subject to taxation at the source of payment when assessing income subject to taxation.

The amount of individual income tax is calculated by applying the rates established by Article 320 of this Code to the amount of income taxable at the source of payment determined in accordance with this Section.

2. A tax agent withholds individual income tax on or before the day of payment of income subject to taxation at the source of payment, unless otherwise provided for by this Code.

3. A tax agent shall transfer individual income tax on the paid income within twenty-five calendar days after the end of the month in which the income was paid, at the place of its location, unless otherwise provided for by this article.

4. Individual income tax on income of employees of structural units of a tax agent is transferred to appropriate budgets at the location of the structural units.

5. The tax agent's duty to withhold individual income tax at the source of payment and transfer it is considered fulfilled if the tax agent paid the amount of individual income tax, calculated from the income subject to taxation at the source of payment in accordance with the provisions of this Code, with his/her/its own money without its withholding.

Article 351-1. Specifics of calculation, withholding and payment of individual income tax from a lump-sum pension payment in accordance with the legislation of the Republic of Kazakhstan on social protection

1. In case of lump-sum pension payment in accordance with the legislation of the Republic of Kazakhstan on social protection, the tax agent shall calculate individual income tax when transferring by the unified accumulative pension fund to the bank account of the recipient of pension payments and (or) an authorized operator.

Personal income tax shall be calculated by applying the rates established by Article 320 of this Code to the amount of taxable income at the source of payment, determined in accordance with paragraph 3-1 of Article 353 of this Code.

2. Unless otherwise provided for in paragraphs 4, 5, 6, and 6-1 of this Article, the withholding of the amount of individual income tax shall be carried out by a tax agent in one of the following ways at the choice of an individual:

- 1) in accordance with the procedure, provided for by Article 351 of this Code;
- 2) monthly in equal installments for no more than sixteen years according to the schedule for pension payments established by the unified accumulative pension fund.

The withholding specified in this paragraph shall be made on the basis of an application for withholding individual income tax submitted to the tax agent in the form established by the authorized body in agreement with the authorized body in the field of pension provision.

3. The tax agent shall transfer the withheld amount of individual income tax no later than twenty-five calendar days:

- 1) of the next month in which the lump-sum pension payment is made - in the case specified in subparagraph 1) of paragraph 2 of this article;
- 2) the next month, in which the transfer of pension payments has been initiated and carried out in accordance with the schedule for pension payments established by the unified accumulative pension fund, in the case specified in subparagraph 2) of paragraph 2 of this Article;
- 3) the next month, in which the amount of individual income tax has been withheld at a time in the cases established by paragraphs 4, 5, 6, and 6-1 of this Article.

4. When an individual leaves for permanent residence outside the Republic of Kazakhstan, the amount of individual income tax not withheld and not transferred by the tax agent from a lump-sum pension payment shall be subject to withholding at a time in the manner prescribed by Article 351 of this Code from the amount of pension payment.

5. When paid to a person who inherited pension savings in the manner established by the legislation of the Republic of Kazakhstan, the amount of individual income tax not withheld and not transferred by the tax agent from a lump-sum pension payment shall be subject to withholding at a time in the manner prescribed by Article 351 of this Code from the amount of pension payment.

6. If an individual has a pension annuity agreement concluded with an insurance organization, individual income tax on the amount of a lump-sum pension payment shall be subject to withholding by the tax agent at a time in the manner prescribed by Article 351 of this Code in the following cases:

1) when transferring pension savings to an insurance organization - from the amount of pension savings;

2) when previously applied to income in the form of a lump-sum pension payment, the provisions of subparagraph 2) of part one of paragraph 2 of this Article - from the amount of pension savings;

3) when making a lump-sum pension payment - from the remaining amount on the individual pension account of an individual in the unified pension savings fund.

6-1. In case of lump-sum pension payment to an individual who is the recipient of pension payments for long service, the withholding of individual income tax shall be carried out by a tax agent in the manner prescribed by Article 351 of this Code.

The provisions of this paragraph shall also apply if the method of withholding individual income tax provided for in subparagraph 2) of part one of paragraph 2 of this Article has been previously applied to the income of an individual, with the withholding of individual income tax from the amount of pension savings.

7. For the purposes of this Article, the unified accumulative pension fund is recognized as a tax agent.

Article 352. Features of calculation, withholding and payment of individual income tax by state institutions

1. By decision of the state body, its structural divisions and (or) territorial bodies may be considered as tax agents for the income of employees of state institutions subordinate to it (them).

2. By a decision of a local executive body, its structural units and (or) territorial (subordinate) bodies can be considered as tax agents for the income of employees of state institutions subordinate to them.

In this case, state institutions recognized, in accordance with the procedure established by this article, as tax agents for the purposes of Section 12 of this Code, are recognized as payers of the social tax.

Individual income tax is paid to appropriate budgets at the location of the tax agent.

3. The calculation, withholding and payment of individual income tax shall be made by a tax agent in accordance with the procedure and within the time limits specified in Articles 350 and 351 of this Code.

4. A declaration on individual income tax and social tax is submitted by a tax agent in accordance with the procedure and within the time limits established by Article 355 of this Code.

Article 353. Determination of income subject to taxation at the source of payment

1. The amount of the employee's taxable income is determined in the following order:

the amount of the employee's income subject to taxation at the source of payment, accrued for the tax period,

minus

the amount of income adjustment for the tax period provided for in paragraph 1 of Article 341 of this Code,

minus

the amount of tax deductions in the manner specified in Article 342 of this Code.

1-1. The amount of the employee's taxable income, as determined by paragraph 1 of this article, shall be reduced by 90 percent if the accrued income of the employee for the tax period does not exceed the amount of 25-fold monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year

2. The amount of taxable income from the sale of goods, the performance of work, the provision of services under civil law contracts, except for property income received by an individual who is not an individual entrepreneur, a person engaged in private practice, shall be determined in the following order:

the amount of income subject to taxation at the source of payment received in the current tax period by an individual who is not an individual entrepreneur, a person engaged in private practice, from the sale of goods, performance of work, provision of services, except for property income,

minus

the amount of income adjustment in the current tax period, provided for in paragraph 1 of Article 341 of this Code,

minus

the amount of tax deduction in the form of mandatory pension contributions, compulsory social health insurance contributions and standard deductions specified in subparagraphs 2) and (or) 3) of paragraph 1 of Article 346 of this Code.

3. The amount of taxable income in the form of pension payments is determined as follows:

1) from the single accumulative pension fund:

the amount of income in the form of pension payments subject to taxation

minus

the amount of adjustment for the individual income tax provided for in paragraph 1 of Article 341 of this Code

minus

the amount of tax deductions in the manner and in the amount specified in paragraph 1 of Article 345 and in subparagraphs 2) and (or) 3) of paragraph 1 of Article 346 of this Code;

2) from a voluntary accumulative pension fund in the amount of income in the form of pension payments subject to taxation.

3-1. The amount of taxable income in the form of lump-sum pension payments from the unified pension savings fund shall be determined in the following order:

the amount of income in the form of lump-sum pension payments

minus

the amount of tax deductions specified in subparagraphs 2) and (or) 3) of paragraph 1 of Article 346 of this Code.

4. The amount of taxable income under accumulative insurance agreements is determined as follows:

the amount of income under accumulative insurance agreements subject to taxation

minus

the amount of the income adjustment provided for paragraph 1 of Article 341 of this Code

minus

the amount of tax deduction in the manner and in the amount specified in paragraph 2 of Article 345 of this Code.

5. The amount of taxable income from a tax agent, also by types of income not specified in paragraphs 1, 2, 3 and 4 of this article, is determined as follows:

the amount of all income subject to taxation at the source of payment not specified in paragraphs 1, 2, 3 and 4 of this article received in a current taxable period

minus

the amount of income adjustment in a current taxable period provided for by paragraph 1 of Article 341 of this Code

minus

the amount of the standard deduction specified in subparagraphs 2) and 3) of paragraph 1 of Article 346 of this Code.

6. The amount of income subject to taxation at the source of payment in foreign currency shall be recalculated in the national currency of the Republic of Kazakhstan using the market exchange rate set on the last business day before the date of income payment.

7. If the amount determined in accordance with the procedure provided for in paragraphs 1 - 5 of this article is negative, then such amount is recognized as excess of tax deductions.

The amount of excess of tax deductions is carried forward to subsequent taxable periods within a calendar year for the redemption at the expense of taxable income in these taxable periods.

Article 354. Taxable and reporting periods

1. A taxable period for the calculation of individual income tax on income subject to taxation at the source of payment by tax agents is a calendar month.

2. A reporting period for drawing up a declaration on individual income tax and social tax is a calendar quarter.

Article 355. Declaration on individual income tax and social tax

1. A declaration on individual income tax and social tax is submitted to tax authorities at the location of a tax agent on or before the 15th day of the second month following a reporting period by:

tax agents, including those applying a special tax regime using a fixed deduction;
agents or payers of social welfare payments, also for their own benefit in accordance with the laws of the Republic of Kazakhstan.

2. Tax agents applying a special tax regime on the basis of the uniform land tax, indicate calculated amounts of individual income tax withheld at the source of payment in a declaration for payers of the uniform land tax.

3. Tax agents with structural units shall submit an annex on the calculation of the amount of individual income tax and social tax by the structural unit to the declaration on individual income tax and social tax to the tax authority at the location of the structural unit.

4. Tax agents applying the special tax regime for agricultural producers and agricultural cooperatives shall report the calculated amounts of the single payment in the individual income tax and social tax declaration.

Chapter 39. The Order for the Calculation, Payment and Filing of Self-Assessment Tax Returns on Individual Income

Article 356. General provisions on self-assessed individual income tax

1. An individual calculates and pays individual income tax to the budget on his/her own:
1) on the income specified in subparagraphs 1) - 12) and 17) of Article 321 of this Code - in case of receipt of such income from a person who is not a tax agent;

2) on income indicated in subparagraphs 13) - 18) of Article 321 of this Code.

2. Income subject to self-assessment by an individual (to be) received in a foreign currency shall be recalculated into the national currency of the Republic of Kazakhstan using

the market exchange rate set on the last business day before the date from which the income is receivable.

Article 357. Determination of self-assessed taxable income of an individual

1. The amount of income subject to self-assessment by an individual, except for the income of an individual entrepreneur, a private practice owner and a resident migrant worker, is determined as follows:

the income of an individual subject to self-assessment

minus

the amount of income adjustment provided for in paragraph 1 of Article 341 of this Code

minus

the amount of tax deductions in the amount and in the manner specified in Article 342 of this Code.

2. The taxable amount of income of an individual entrepreneur applying the generally established taxation regime is determined as follows:

taxable income of an individual entrepreneur determined in accordance with Article 366 of this Code

minus

taxable income of an individual entrepreneur engaged in e-commerce

minus

the amount of income adjustment provided for in paragraph 1 of Article 341 of this Code

minus

the amount of tax deductions in the amount and in the manner specified in Article 342 of this Code.

The taxable income of an individual entrepreneur is reduced by the taxable income of an individual entrepreneur engaged in e-commerce if the income from e-commerce with account of excess amount of the positive foreign exchange difference over the amount of the negative exchange rate difference arising from transactions for such an activity is at least 90 percent of the income of an individual entrepreneur received for a taxable period as a whole. If this condition is not observed, the individual entrepreneur shall not be entitled to apply the provisions of items three and four of part one of this paragraph.

3. The taxable amount of income of a private practice owner shall be determined in accordance with the procedure established by Article 365 of this Code.

4. The taxable amount of income of a resident migrant worker is determined in accordance with the procedure established by Article 360 of this Code.

Article 358. Calculation of individual income tax on income subject to self-assessment by an individual

1. Where not otherwise provided for in this paragraph, the calculation of personal income tax on income subject to self-taxation by a natural person shall be made on the income received during the tax period, with subsequent reflection in the individual income tax return.

Individual income tax on income of private practice owners is calculated for income received for a month on the basis of the results of each month and is stated in an individual income tax declaration.

Persons charged with the obligation to submit an income and wealth declaration under Chapter 71 hereof shall calculate individual income tax on income subject to taxation by a natural person on his/her own, by reflecting in the income and wealth declaration.

2. The amount of individual income tax on income subject to self-assessment by an individual is calculated using the rate, established by Article 320 of this Code, to the amount of a relevant type of taxable income of an individual.

3. Individual entrepreneurs who apply a special tax regime for small businesses based on a patent, a simplified declaration or using a special mobile application, shall calculate individual income tax on income taxed under these special tax regimes in accordance with Chapter 77 of this Code.

4. Individual entrepreneurs applying a special tax regime for producers of agricultural products shall calculate individual income tax (except for the tax on income subject to taxation at the source of payment) with account of the provisions of Chapter 78 of this Code.

5. The order for determining the amount of individual income tax payable to the state budget is as follows:

the amount of individual income tax calculated in accordance with the procedure provided for in this article

minus

the amount of individual income tax subject to offset in accordance with Article 359 of this Code

minus

the amount of corporate income tax subject to offset in accordance with paragraph 6 of this article.

6. Excluded by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (effective from 01.01.2020).

Article 359. Foreign tax credit

1. Amounts of income taxes paid outside the Republic of Kazakhstan or other foreign tax similar to individual income tax (hereinafter for the purposes of this Article - foreign income tax) on income received by an individual resident from sources outside the Republic of Kazakhstan shall be credited against individual income tax payment in the Republic of Kazakhstan in accordance with the procedure determined by Article 303 of this Code, within the individual income tax rate, in the presence of a document confirming the payment of individual income tax in the Republic of Kazakhstan.

2. The amount of foreign income tax on financial profit of a controlled foreign company or financial profit of a permanent establishment of a controlled foreign company is subject to

credit against the payment of individual income tax in the Republic of Kazakhstan and shall be calculated according to the following formula:

$T_o = P \times D \times Re/100\%$, where:

T_o – is the amount of foreign income tax subject to credit;

P - positive value of financial profit of a controlled foreign company or positive value of financial profit of a permanent establishment of a controlled foreign company included in the annual income of a resident individual in accordance with Article 340 of this Code;

D - coefficient of direct or indirect or constructive participation or direct or indirect or constructive control of a resident in a controlled foreign company, determined in accordance with Article 297 of this Code;

Re – effective rate calculated in accordance with subparagraph 12) of paragraph 4 of Article 294 of this Code, excluding income tax, including that withheld at the source of payment in the Republic of Kazakhstan from the income specified in subparagraphs 1) – 10) of paragraph 3 of Article 340 of this Code.

The provisions of this paragraph shall not apply to a controlled foreign company and (or) a permanent establishment of a controlled foreign company registered in states with preferential taxation and (or) when calculating the total profit of a controlled foreign company and (or) a permanent establishment of a controlled foreign company, a resident uses in the current tax period the formula with the share of passive income.

If the financial profit of a controlled foreign company or the financial profits of a permanent establishment of a controlled foreign company were subject to foreign income tax in two or more foreign countries, then only that foreign income tax is taken into account whose effective rate has the maximum value out of the effective rates of foreign income tax paid in such foreign countries. The provisions of this paragraph shall apply:

1) in case of indirect ownership of participatory interests (voting shares) or indirect control in a controlled foreign company and payment of foreign income tax in two or more foreign countries (in which the controlled person (s) is (are) registered through which such indirect ownership or such indirect control is exercised on the financial profit of the controlled foreign company or the financial profit of a permanent establishment of the controlled foreign company, or

2) in case of direct ownership of interests (voting shares) or direct control in a controlled foreign company and payment of foreign income tax on the financial profits of the permanent establishment of the controlled foreign company in foreign countries where the following are registered:

the controlled foreign company's permanent establishment;

the controlled foreign company that established the permanent establishment.

In the event of a resident's direct and indirect or direct and constructive ownership of participating interests (voting shares), or the resident's direct and indirect or direct and constructive control in a controlled foreign company, the amount of foreign income tax on the

financial profit of a controlled foreign company or the financial profit of a permanent establishment of a controlled foreign company that is subject to offset in accordance with this paragraph shall be calculated separately for each direct and indirect ownership or direct and constructive ownership of participating interests (voting shares), or direct and indirect control or direct and constructive control in a controlled foreign company. In this case, the amount of such foreign income tax calculated separately for the direct and indirect ownership or direct and constructive ownership of participatory interests (voting shares), or direct and indirect control or direct and constructive control in a controlled foreign company shall be credited in accordance with this paragraph.

To apply this paragraph, the resident must have the documents specified in part five of paragraph 4 of Article 303 of this Code.

Article 360. Income of a resident migrant worker

1. Resident migrant workers, within a taxable period, make prepayments of individual income tax on income (to be) received under employment agreements, concluded in accordance with the labor legislation of the Republic of Kazakhstan, on the basis of a permit to a migrant worker.

2. The preliminary payment of individual income tax shall be calculated in the amount of the 4-fold monthly calculation index established by the law on the republican budget and the relevant financial one in force on January 1, for each month of performance of work (provision of services) of the corresponding period indicated by the resident labor immigrant in the application to obtain (renew) a permit for a labor immigrant.

3. A resident migrant worker prepays individual income tax at the place of stay, prior to the obtainment (extension) of a permit to a migrant worker.

4. Resident migrant workers calculate the amount of individual income tax at the end of a taxable period applying the rate, established by paragraph 1 of Article 320 of this Code, to the taxable amount of income.

5. The taxable amount of income is determined as the amount of income received (receivable) from the performance of work (rendering of services), reduced by the amount of the 14-fold monthly calculation index established by the law on the republican budget and the corresponding financial year in force on January 1, calculated for each month of performance works (provision of services) of the corresponding period specified in the permit to the labor immigrant..

6. The amount of resident migrant worker's prepayments to the state budget within a taxable period is applied against the payment of individual income tax calculated for a reporting taxable period.

7. If the amount of individual income tax prepayments within a taxable period exceeds the amount of individual income tax calculated for a reporting taxable period, the amount of such excess is not the amount of overpaid individual income tax and not subject to refund or offset.

8. If the amount of individual income tax prepayments within a taxable period is less than the amount of individual income tax calculated for a reporting taxable period, a resident migrant worker shall show the calculation of individual income tax in an individual income tax declaration and pay individual income tax according to the declaration, based on the results of the taxable period, at the place of stay, within ten calendar days of the deadline for submitting an individual income tax declaration.

Article 361. Taxable period

1. A taxable period for calculating individual income tax on income subject to self-assessment by an individual is a calendar year, unless otherwise provided for by this article.

2. In case of registration as an individual entrepreneur by an individual after the start of a calendar year, the first taxable period for him/her is a time period running from the day of his/her state registration as an individual entrepreneur until the end of the calendar year.

3. In case of deregistration as an individual entrepreneur by an individual before the end of a calendar year, the last taxable period for him/her is a time period running from the start of the calendar year until the day of his/her deregistration as an individual entrepreneur.

4. In case of registration as an individual entrepreneur by an individual after the start of a calendar year and deregistration as an individual entrepreneur before the end of the same year, a taxable period for him/her is a time period running from the day of his/her state registration as an individual entrepreneur until the day of his/her deregistration as an individual entrepreneur.

5. If, during a calendar year, an individual entrepreneur carries out his/her entrepreneurial activity under a special tax regime for small business entities and in accordance with the generally established procedure, a time period, during which he/she carried out his/her entrepreneurial activity under a special tax regime for small business entities, shall not be included in a taxable period.

Article 362. Deadlines for tax payment

1. Individual income tax at the end of a tax period shall be paid by the taxpayer himself/herself no later than ten calendar days after the deadline set for submission of an individual income tax return, unless otherwise provided by paragraph 3 of Article 365 hereof:

- 1) at his/her location – with regard to an individual entrepreneur, a private practice owner;
- 2) at the place of his/her residence (stay) – with regard to an individual not indicated in subparagraph 1) of this paragraph.

However, persons who are charged with the obligation of submitting an income and asset declaration under Chapter 71 hereof shall pay individual income tax no later than ten calendar days after the deadline set by Article 635 hereof for submitting an income and asset declaration, depending on the manner in which it is submitted.

2. Individual entrepreneurs applying a special tax regime for small businesses based on a patent, a simplified declaration or using a special mobile application, shall pay individual

income tax on income taxed under these special tax regimes, in accordance with Chapter 77 of this Code.

3. A taxpayer pays an individual income tax calculated from the total profit of a controlled foreign company and (or) a permanent establishment of a controlled foreign company based on the results of the tax period no later than ten calendar days after the deadline established by paragraph 3 of Article 364 of this Code.

The provisions of this paragraph shall not apply to personal income tax calculated on the total profits of controlled foreign companies and (or) permanent establishments of controlled foreign companies registered in countries with preferential taxation.

Article 363. Individual income tax declaration

1. An individual income tax declaration is submitted by resident taxpayers that are:

- 1) individual entrepreneurs;
- 2) private practice owners;
- 3) individuals that received property income;
- 4) individuals that received income from sources outside the Republic of Kazakhstan;
- 5) household employees not receiving income from a tax agent, in accordance with the labor legislation of the Republic of Kazakhstan;

6) citizens of the Republic of Kazakhstan receiving employment income under employment agreements (contracts) and (or) civil law agreements concluded with diplomatic missions and equivalent representative offices of foreign states, consular offices of a foreign state accredited in the Republic of Kazakhstan that are not tax agents;

7) citizens of the Republic of Kazakhstan receiving employment income under employment agreements (contracts) and (or) civil law agreements concluded with international and state organizations, foreign and Kazakhstani non-governmental public organizations and foundations that are released from an obligation to calculate, withhold and transfer individual income tax at source of payment in accordance with international treaties ratified by the Republic of Kazakhstan;

8) resident migrant workers of the Republic of Kazakhstan, receiving income (to be received) under employment agreements concluded in accordance with the labor legislation of the Republic of Kazakhstan on the basis of a permit to a migrant worker;

9) mediators, except for professional mediators, in accordance with the Law of the Republic of Kazakhstan “On Mediation”, from persons that are not tax agents;

The provisions of subparagraphs 3), 4), 5), 6), 7), 9), 10), 11), 11-1) and 12) of part one of this paragraph shall not apply to persons who are required to file income and asset declarations in accordance with Chapter 71 hereof.

The provisions of subparagraphs 11) and 12) of part one of this paragraph shall not apply to persons, who are required to submit a declaration of assets and liabilities in accordance with Chapter 71 of this Code.

10) individuals deriving income from a personal subsidiary farm, which is entered in the household register in accordance with the legislation of the Republic of Kazakhstan, subject to taxation, from which no individual income tax at source of payment was withheld due to the personal subsidiary farm owner's submission of false information to a tax agent;

11) Excluded by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021);

11-1) nationals of the Republic of Kazakhstan, kandas and persons having residence permit in the Republic of Kazakhstan, who as of 31 December of the tax reporting period have money on bank accounts in foreign banks beyond the Republic of Kazakhstan in an amount exceeding 2,000 times the monthly calculation index established by the law on the republican budget and effective as of 31 December of the tax reporting period;

12) citizens of the Republic of Kazakhstan, oralmans and persons with a residence permit in the Republic of Kazakhstan, who, as of December 31 of a reporting taxable period, own such property as:

immovable property, which (the rights to and (or) transactions for which) is (are) subject to state or another registration (recording) with a competent authority of a foreign state in accordance with the legislation of a foreign state;

securities, the issuers of which are registered outside the Republic of Kazakhstan;

participatory interest in the authorized capital of a legal entity registered outside the Republic of Kazakhstan.

12-1) nationals of the Republic of Kazakhstan, kandas and persons with a residence permit in the Republic of Kazakhstan who own digital assets as of 31 December of the tax reporting period;

13) individuals not specified in subparagraphs 1) - 10) of this paragraph, who have received income subject to taxation by an individual, independently.

The provisions of this subparagraph shall not apply to payers of the unified aggregate payment, except for persons who have an obligation to submit an individual income tax return in accordance with the Constitutional Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan", Penal Execution Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On combating corruption".

In this respect, persons mentioned in this paragraph, including those residing beyond the Republic of Kazakhstan for the purpose of study, internship or practical training, shall not submit an individual income tax declaration in the absence of the grounds stipulated in this paragraph.

2. Исключен Законом РК от 11.07.2022 № 135-VII (вводится в действие с 01.01.2022).

3. Individual entrepreneurs applying a special tax regime for small businesses for income specified in paragraphs 2 and 2-1 of Article 681 of this Code, which is subject to taxation in accordance with Chapter 77 of this Code, shall not submit a personal income tax return.

Article 364. Deadlines for submitting the declaration

1. Unless otherwise established by this article, an individual income tax declaration shall be submitted to the tax authority at the place of location (residence) on or before March 31 of a year following a reporting taxable period, except for cases provided for by the Constitutional Law of the Republic of Kazakhstan “On Elections in the Republic Kazakhstan” , the Penal Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan “ On Combating Corruption”.

2. Migrant workers that are household employees and residents of the Republic of Kazakhstan, who received the income provided for in Article 360 of this Code, submit an individual income tax declaration if the amount of individual income tax calculated for a reporting taxable period exceeds the amount of individual income tax prepayments.

Migrant workers, who are household employees and residents of the Republic of Kazakhstan, submit an individual income tax declaration on income provided for in Article 360 of this Code to the tax authority at the place of stay on or before March 31 of a year following a reporting taxable period.

In this case, if a resident migrant worker, who received income provided for in Article 360 of this Code, leaves the Republic of Kazakhstan within a taxable period, an individual income tax declaration (declarations) shall be submitted before the date of departure of such a person from the Republic of Kazakhstan.

3. In the event that as of the date of submission of the personal income tax return, there are not approved financial statements, the calculation of the total profit of controlled foreign companies or permanent establishments of controlled foreign companies shall be made in an additional personal income tax return submitted within sixty working days following the date of approval of the financial statement. reporting, but no later than March 31 of the second following the reporting tax period, subject to the provisions of Article 211 of this Code.

Section 9. Individual Income Tax on Income of a Private Practice Owner and an Individual Entrepreneur

Chapter 40. Income of a private practice owner and an individual entrepreneur applying the generally established tax regime

Article 365. Income of a private practice owner

1. Taxable income of a private practice owner is determined as the amount of income of a private practice owner, which is defined in accordance with Article 336 of this Code.

2. The amount of individual income tax on income of private practice owners is calculated for income received for a month on the basis of the results of each month, by applying the rate established by paragraph 1 of Article 320 of this Code to the amount of taxable income of a private practice owner.

3. The amount of the calculated tax is payable on a monthly basis on or before the 5th day of a month following the month for which the tax was calculated.

Article 366. Income of an individual entrepreneur

1. Taxable income of an individual entrepreneur, applying the generally established tax regime, for a taxable period is determined as follows:

taxable income of an individual entrepreneur determined in accordance with paragraph 2 of this article

minus

the reduction of taxable income of an individual entrepreneur, which is determined in accordance with the procedure similar to that for determining the reduction of taxable income for the purposes of calculating corporate income tax, established by Article 288 of this Code,

plus

total profit of controlled foreign companies or permanent establishments of controlled foreign companies, determined in accordance with Article 340 of this Code,

minus

losses, postponed in a manner similar to the procedure for postponing the losses for the purpose of calculating the corporate income tax established by Articles 299 and 300 of this Code.

2. Taxable income of an individual entrepreneur for a taxable period is determined as follows:

total income of an individual entrepreneur for a taxable period, determined in accordance with the procedure similar to that for determining total annual income for the purposes of calculating corporate income tax, established by Article 225 of this Code, with account of the features provided for in Articles 226-240 of this Code,

minus

adjustment of the income of an individual entrepreneur received in aggregate for the tax period, determined in a manner similar to the procedure for determining the adjustment of the total annual income for the purpose of calculating the corporate income tax established by paragraph 1 of Article 241 of this Code, taking into account the provisions of paragraph 2 of Article 241 of this Code,

plus (minus)

adjustment of total income of an individual entrepreneur for a taxable period, determined in accordance with the procedure similar to that for determining the adjustment of total annual income for the purposes of calculating corporate income tax, established by paragraph 2 of Article 241 of this Code,

minus

deductions, determined in accordance with the procedure similar to that for determining expenses allocated to deductibles for the purposes of calculating corporate income tax, established by Articles 242 - 276 of this Code,

plus (minus)

adjustment of income and deductions, determined in accordance with the procedure similar to that for determining the adjustment of income and deductions for the purposes of calculating corporate income tax, established by Article 287 of this Code.”

Footnote. Article 33 as amended by Laws of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (to be enacted from 01.01.2018); № 165-VI as of 02.07.2018 (to be enacted from 01.01.2019); № 203-VI as of 26.12.2018 (to be enacted from 01.01.2019); dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2018); dated 03.07.2019 № 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.05.2020 № 324-VI (shall come into force from 01.01.2020); dated 02.07.2020 № 354-VI (shall come into force from 01.04.2020 and действует до 01.10.2020); dated 10.12.2020 № 382-VI (for the procedure for enactment see Art. 2). dated 24.06.2021 № 53-VII (for the procedure for enactment see Art. 2); dated 20.12.2021 № 85-VII (shall come into force from 01.01.2022); № 135-VII of 11.07.2022 (see Article 2 for the enactment procedure); № 165-VII of 21.12.2022 (see Article 3 for the enactment procedure); dated 06.02.2023 № 196-VII (shall come into effect from 01.01.2024); dated 03/20/2023 № 213-VII (shall come into effect from 01.01.2023); dated 12.12.2023 № 45-VIII (for the procedure of entry into force, see Article 2).

Article 33-1. To suspend from October 1 to January 1, 2021 the validity of paragraph 3 of Article 486 of the Tax Code, having established that during the period of suspension, this paragraph shall be valid as follows:

"3. The amount of social tax payable to the budget shall be determined as the difference between the calculated social tax and the amount of social contributions calculated in accordance with the Law of the Republic of Kazakhstan "On Compulsory Social Insurance".

When determining the amount of social tax payable to the budget, micro, small and medium-sized businesses, persons engaged in private practice, carrying out activities according to the lists of activities for which a correction factor of 0 is set to the rates of mandatory professional pension contributions, social contributions, contributions and deductions for compulsory social health insurance, approved by the Government of the Republic of Kazakhstan, shall account the amount of social contributions without an adjustment factor of 0, provided for by the legislation of the Republic of Kazakhstan.

If the amount of calculated social contributions to the State Social Insurance Fund exceeds the amount of calculated social tax or if their amounts are equal, the amount of social tax payable to the budget shall be accounted to be zero."

Footnote. The Law was amended with Article 33-1 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

Article 34. To suspend, until January 1, 2022, part three of subparagraph 8) of paragraph 2 of Article 288 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

1) from January 1, 2018 until January 1, 2019:

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of the right to extract groundwater and (or) common minerals for own needs, as well as a subsoil user, who, during a twelve-month period preceding the first day of the month in which the shares or participatory interests were sold, carried out after-treatment (after primary processing) of at least 35 percent of minerals mined during the specified period, including coal, at production facilities located in the territory of the Republic of Kazakhstan that are owned by him/her/it and (or) by a resident legal entity that is a related party.”;

2) from January 1, 2019 until January 1, 2020:

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of the right to extract groundwater and (or) common minerals for own needs, as well as a subsoil user, who, during a twelve-month period preceding the first day of the month in which the shares or participatory interests were sold, carried out after-treatment (after primary processing) of at least 40 percent of minerals mined during the specified period, including coal, at production facilities located in the territory of the Republic of Kazakhstan that are owned by him/her/it and (or) by a resident legal entity that is a related party.”;

3) from January 1, 2020 until January 1, 2022:

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of the right to extract groundwater and (or) common minerals for own needs, as well as a subsoil user, who, during a twelve-month period preceding the first day of the month in which the shares or participatory interests were sold, carried out after-treatment (after primary processing) of at least 50 percent of minerals mined during the specified period, including coal, at production facilities located in the territory of the Republic of Kazakhstan that are owned by him/her/it and (or) by a resident legal entity that is a related party.”.

Article 35. To suspend, until January 1, 2022, part three of paragraph 4 of Article 300 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

1) from January 1, 2018 until January 1, 2019:

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of the right to extract groundwater and (or) common minerals for own needs, as well as a subsoil user who, during a twelve-month period preceding the first day of the month in which the shares or participatory interests were sold, carried out after-treatment (after primary processing) of at least 35 percent of minerals mined during the specified period, including coal, at production facilities located in the territory of the Republic of Kazakhstan that are owned by him/her/it and (or) by a resident legal entity that is a related party.”;

2) from January 1, 2019 until January 1, 2020:

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of the right to extract groundwater and (or) common minerals for own needs, as well as a subsoil user who, during a twelve-month period preceding the first day of the month in which the shares or participatory interests were sold, carried out after-treatment (after primary processing) of at least 40 percent of minerals mined during the specified period,

including coal, at production facilities located in the territory of the Republic of Kazakhstan that are owned by him/her/it and (or) by a resident legal entity that is a related party.”;

3) from January 1, 2020 until January 1, 2022:

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of the right to extract groundwater and (or) common minerals for own needs, as well as a subsoil user who, during a twelve-month period preceding the first day of the month in which the shares or participatory interests were sold, carried out after-treatment (after primary processing) of at least 50 percent of minerals mined during the specified period, including coal, at production facilities located in the territory of the Republic of Kazakhstan that are owned by him/her/it and (or) by a resident legal entity that is a related party.”.

Article 35-1. To suspend from January 1, 2019 to January 1, 2022, the effect of paragraph 1 of Article 369 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"1. Taxable turnover is:

1) the turnover made by the payer of value added tax on the sale of goods, works, services, with the exception of the non-taxable turnover specified in Article 370 of this Code.

In case of non-compliance with the requirements established by Article 197 of this Code, the previously exempted turnover when transferring property to financial leasing is recognized as taxable turnover retrospectively from the date of the turnover;

2) the turnover made by the payer of the value added tax when purchasing works, services from a non-resident in accordance with Article 373 of this Code;

3) turnover in the form of balances of goods, with the exception of the non-taxable turnover specified in subparagraph 3) of Article 370 of this Code.

Unless otherwise provided for by this subparagraph, the turnover in the form of balances of goods is recognized as the goods for which the value added tax was accounted for as the value added tax attributable to offset, and which belong to the payer of the value added tax on the basis of the right of ownership when it is deregistered for value added tax:

with the submission of liquidation tax reports on value added tax - on the date preceding the date of submission of such reports;

by the decision of the tax authority - on the date specified in paragraph 6 of Article 85 of this Code.

The provisions of this subparagraph also apply when deregistering for value added tax within five years after registration for value added tax of a legal entity that previously appeared as a result of reorganization by separation, on the basis of the balance of goods previously received under the transfer deed on the date of deregistration for value added tax.

The provision of this subparagraph does not apply when a legal entity is deregistered for value added tax in connection with its reorganization under the condition that all new legal entities created as a result of the merger or a legal entity to which another legal entity (legal entities) has joined, after the reorganization, are the payers of value added tax;

4) the turnover of the transferred goods reflected in the transfer deed upon reorganization by separation, provided that the newly formed legal entity after such reorganization has not registered as a payer of value added tax.

The provision of this subparagraph is applied by the reorganized entity to the goods reflected in the transfer deed, for which the value added tax was accounted for by such an entity as the value added tax attributable to offset."

According to the taxable turnover provided for in subparagraphs 3) and 4) of this paragraph, the payer of the value added tax shall compile a tax register in accordance with Article 215 of this Code.

Footnote. The Law was supplemented with Article 35-1 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021). Article 35-2. To suspend from January 1, 2018 to January 1, 2022, the effect of paragraph 4 of Article 380 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"4. The amount of turnover specified in subparagraphs 3) and 4) of paragraph 1 of Article 369 of this Code is determined in the amount of the book value of such goods subject to reflection (reflected) in the accounting records of such a payer of value added tax as of the date of the turnover.

For the purposes of this paragraph, the book value of the goods in the payer of value added tax is:

1) upon its deregistration for value added tax in connection with a reorganization, as well as upon reorganization by separation in the case provided for in subparagraph 4) of paragraph 1 of Article 369 of this Code - the value of the goods reflected in the separation balance sheet or the transfer deed, but not less than the book value to be reflected (reflected) in the accounting records of such a payer of value added tax as of the date of the turnover;

2) in other cases - the book value of the goods subject to reflection (reflected) in the accounting records of such a payer of value added tax, as of the date of the turnover."

Footnote. The Law was supplemented with Article 35-2 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021). Article 36. To suspend, until January 1, 2019, subparagraph 15) of paragraph 1 of Article 399 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

"15) raw materials and (or) materials as part of vehicles and (or) agricultural machinery placed under the customs procedure for free warehouse within the framework of a special

investment contract concluded by the authorized body for investments with a legal entity that is:

a manufacturer of vehicles that concluded an agreement on industrial assembly of motor vehicles with the authorized body for state support to industrial and innovative activity;
a manufacturer of agricultural machinery;”.

Article 36-1. To suspend until January 1, 2022, the effect of paragraph 6 of Article 400 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"6. The amount of value added tax that does not comply with the provisions of this article, as well as the value added tax specified in article 402 of this Code, is recognized as the amount of value added tax that is not offset, except for the case provided for in paragraph 7 of this article."

Footnote. The Law was supplemented with Article 36-1 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2019 № 295-VI (shall be enforced from 01.01.2020); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

Article 37. To suspend, until January 1, 2019, paragraphs 1, 2, 3 and 4 of Article 412 of the Tax Code, and to establish that during the period of suspension these paragraphs shall read as follows:

“1. In case of turnover from the sale of goods, works, services, an invoice shall be issued by:

- 1) VAT payers specified in subparagraph 1) of paragraph 1 of Article 367 of this Code;
- 2) taxpayers in cases provided for by regulatory legal acts of the Republic of Kazakhstan adopted to implement international treaties ratified by the Republic of Kazakhstan;
- 3) a commission agent who is not a VAT payer in the cases established by Article 416 of this Code;
- 4) a freight forwarder who is not a VAT payer in the cases established by Article 415 of this Code.

2. An invoice can be issued either in electronic or paper form.

An electronic invoice is issued in the information system of electronic invoices in the manner and in the form approved by the authorized body.

A paper-based invoice is issued in the manner established by this article, in the form determined by a taxpayer on his/her/its own.

3. Except for the case specified in paragraph 4 of this article, an electronic invoice shall be issued by:

- 1) taxpayers in cases provided for by regulatory legal acts of the Republic of Kazakhstan adopted to implement international treaties ratified by the Republic of Kazakhstan;
- 2) taxpayers subject to tax monitoring;

3) taxpayers who, in accordance with the customs legislation of the Republic of Kazakhstan, are an authorized economic operator, customs representative, customs carrier, owner of temporary storage warehouses, owner of customs warehouses;

4) VAT payers engaged in international carriage of goods.

4. Taxpayers specified in paragraph 3 of this article may issue a paper-based invoice in case of:

1) no public telecommunications network at the taxpayer's location within the boundaries of administrative and territorial units of the Republic of Kazakhstan.

Information on administrative and territorial units of the Republic of Kazakhstan without public telecommunications networks is posted on the Internet resource of the authorized body ;

2) technical errors in the information system of electronic invoices confirmed by the authorized body.

After eliminating technical errors, the paper-based invoice shall be registered in the information system of electronic invoices within fifteen calendar days of the date of elimination of technical errors.”.

Footnote. Article 37 as amended by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (to be enacted from 01.01.2018).

Article 38. To suspend, until January 1, 2019, item two of paragraph 6 of Article 429 of the Tax Code, and to establish that during the period of suspension this item shall read as follows:

“to the excess VAT amount subject to refund in accordance with Article 432 of this Code;”.

Article 39. To suspend:

1) until January 1, 2019, subparagraph 1) of paragraph 1 and item one of part one of paragraph 2 of Article 431 of the Tax Code, and to establish that during the period of suspension these provisions shall read as follows:

“1) in the manner and within the time limits established by this article, unless otherwise provided for by Articles 432 and 434 of this Code;”;

“2. Unless otherwise established by Articles 432 and 434 of this Code, the excess VAT amount, confirmed by tax audit findings, shall be refunded to a taxpayer within the following time limits:”;

2) until January 1, 2021, subparagraph 2) of paragraph 3 of Article 431 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“2) to a taxpayer for taxable periods, to which he/she/it applied the provisions of subparagraph 28) of paragraph 5 of Article 372 and Article 411 of this Code.”.

Article 40. To suspend, until January 1, 2019, paragraph 4 of Article 432 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“4. The provisions of this article shall not apply to the excess VAT amount, which is subject to refund in accordance with Article 429 of this Code, and also in case of refunding

VAT excess to taxpayers entitled to apply a simplified procedure for the refund of excess VAT, set forth in Article 434 of this Code.”.

Article 41. To suspend, until January 1, 2019, part six of paragraph 2 of Article 434 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“The right to apply the simplified procedure for the refund of excess VAT with regard to the successor (successors) specified in parts two, three and four of this paragraph is valid, while the list of taxpayers subject to monitoring of large taxpayers is in force.”.

Article 42. To suspend, until January 1, 2019, subparagraph 4) of paragraph 2 of Article 451 of the Tax Code, and to establish that during the period of suspension this subparagraph shall read as follows:

“4) raw materials and (or) materials as part of vehicles and (or) agricultural machinery placed under the customs procedure for free warehouse within the framework of a special investment contract concluded by the authorized body for investments with a legal entity that is:

a manufacturer of vehicles that concluded an agreement on industrial assembly of motor vehicles with the authorized body for state support to industrial and innovative activity;

a manufacturer of agricultural machinery;”.

Article 43.

1. To suspend, until January 1, 2023, lines 7, 12, 14, 15, 21 and 22 of the Table in subparagraph 1) of paragraph 4 of Article 463 of the Tax Code, and to establish that during the period of suspension these lines shall read as follows:

1) from January 1, 2018 until January 1, 2019:

“

7.	2208	Alcohol products (except for cognac, brandy, wine, wine materials, beer and beer-based beverage)	2275 tenge/liter 100% alcohol
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”.
,
“

12.	220300	Beer and beer-based beverage	48 tenge/liter
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”.
,
“

14.	of 2402	Filtered cigarettes	7500 tenge/1 000 items
15.	of 2402	Unfiltered cigarettes, papirosas	7500 tenge/1 000 items

”.
,
“

21.	2403	Heated tobacco products (heated tobacco stick,	
-----	------	--	--

		heated tobacco capsule and others)	0 tenge/1 kg of tobacco blend
22.	3824	Nicotine-containing liquid in cartridges, tanks and other containers for e-cigarettes	0 tenge/ml of liquid

”.
”

2) from January 1, 2019 until January 1, 2020:

“

7.	2208	Alcohol products (except for cognac, brandy, wine, wine materials, beer and beer-based beverage)	2550 tenge/liter 100% alcohol
----	------	--	-------------------------------

”.
”

“

12.	220300	Beer and beer-based beverage	57 tenge/liter
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”.
”

“

14.	of 2402	Filtered cigarettes	8700 tenge/1 000 items
15.	of 2402	Unfiltered cigarettes, papirosas	8700 tenge/1 000 items

”.
”

“

21.	2403	Heated tobacco products (heated tobacco stick, heated tobacco capsule and others)	0 tenge/1 kg of tobacco blend
22.	3824	Nicotine-containing liquid in cartridges, tanks and other containers for e-cigarettes	0 tenge/ml of liquid

”.
”

3) from January 1, 2020 until January 1, 2021:

“

7.	2208	Alcohol products (except for cognac, brandy, wine, wine materials, beer and beer-based beverage)	2550 tenge/liter 100% alcohol
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”.
”

“

12.	220300	Beer and beer-based beverage	57 tenge/liter
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”.
”

“

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14.	of 2402	Filtered cigarettes	9900 tenge/1 000 items
15.	of 2402	Unfiltered cigarettes, papirosas	9900 tenge/1 000 items

”.
”
“

21.	2403	Heated tobacco products (heated tobacco stick, heated tobacco capsule and others))	7345 tenge/1 kg of tobacco blend
22.	3824	Nicotine-containing liquid in cartridges, tanks and other containers for e-cigarettes	5 tenge/ml of liquid

”.
”

4) from January 1, 2021 until January 1, 2022:

“

7.	2208	Alcohol products (except for cognac, brandy, wine, wine materials, beer and beer-based beverage)	2550 tenge/liter 100% alcohol
----	------	--	-------------------------------

”.
”
“

12.	220300	Beer and beer-based beverage	57 tenge/liter
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“.
”
“

14.	of 2402	Filtered cigarettes	11100 tenge/1 000 items
15.	of 2402	Unfiltered cigarettes, papirosas	11100 tenge/1 000 items

”.
”
“

21.	2403	Heated tobacco products (heated tobacco stick, heated tobacco capsule and others))	7345 tenge/1 kg of tobacco blend
22.	3824	Nicotine-containing liquid in cartridges, tanks and other containers for e-cigarettes	5 tenge/ml of liquid

”.

5) from January 1, 2022 to January 1, 2023:

”

12	2203 00	Brewing products	79 tenge/liter
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”.
”
”

14.	from 2402	Filter cigarettes	12 300 tenge/1000 pcs
15.	from 2402	Nonfilter cigarettes, cigarettes	12 300 tenge/1000 pcs

"
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"

18.	from 2403	Pipe, smoking, chewing, sucking, sniffing, hookah and other tobacco, packed in consumer packaging and intended for final consumption, with the exception of pharmaceutical products containing nicotine	10 560 tenge/kilogram
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"
,
"

21.	2403	Heated tobacco products (heated tobacco stick, heated tobacco capsule and others)	11 750 tenge/1 кгтабачной смеси
22.	3824	Nicotine liquid in cartridges, reservoirs and other containers for use in electronic cigarettes	8 tenge/ milliliter of liquid

"

2. Suspend until January 1, 2024 the validity of lines 14, 15, 16, 18, 21 and 22 of the table of subparagraph 1) of paragraph 4 of Article 463 of the Tax Code, establishing that during the suspension period these lines are valid in the following wording:

"

14.	out of 2,402	Filter cigarettes	14,100 tenge/1,000 pieces
15.	out of 2,402	Filterless cigarettes, mouthpiece cigarettes	14,100 tenge/1,000 pieces
16.	out of 2,402	Cigarillos	14,100 tenge/1,000 pieces

"
,
"

18.	out of 2,403	Pipe tobacco, smoking, chewing, sucking, snuff, hookah and other tobacco packaged in consumer containers and intended for end use, excluding pharmaceutical products containing nicotine	12,950 tenge/kg
-----	--------------	---	-----------------

"
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"

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21.	out of 2,403, 2,404	Products with heated tobacco (heated tobacco stick, heated tobacco capsule and others)	9,870 tenge/1,000 pieces
22.	out of 2,404	Nicotine-containing liquid in cartridges, tanks and other containers for use in electronic cigarettes	53 tenge/millilitre of liquid

”;

Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021); dated 20.12.2021 № 85-VII (shall come into force from 01.01.2022); № 135-VII of 11.07.2022 (see Article 3 for the implementation procedure).

Article 43-1. Suspend:

1) until January 1, 2020, paragraph 1 of Article 505 of the Tax Code, stating that during the period of suspension the paragraph shall apply as follows:

“1. Basic tax rates for residential land (excluding home sites) shall be fixed per square metre in the following amounts:

№ s/o	Category of locality	Basic tax rates for residential land, excluding land occupied by housing stock, including buildings and structures attached thereto (KZT)	Basic tax rates for land occupied by housing stock, including buildings and structures attached thereto (KZT)
1	2	3	4
	Cities:		
1.	Almaty	28.95	0.96
2.	Shymkent	9.17	0.58
3.	Nur-Sultan	19.30	0.96
4.	Aktau	9.65	0.58
5.	Aktobe	6.75	0.58
6.	Atyrau	8.20	0.58
7.	Kokshetau	5.79	0.58
8.	Karagandy	9.65	0.58
9.	Kostanay	6.27	0.58
10.	Kyzylorda	8.68	0.58
11.	Oral	5.79	0.58
12.	Oskemen	9.65	0.58
13.	Pavlodar	9.65	0.58
14.	Petropavl	5.79	0.58
15.	Taldykorgan	9.17	0.58
16.	Taraz	9.17	0.58
17.	Turkestan	7.79	0.39

18.	Almaty Region:		
19.	cities of regional importance	6.75	0.39
20.	towns of district significance	5.79	0.39
21.	Akmola Region:		
22.	cities of regional importance	5.79	0.39
23.	towns of district significance	5.02	0.39
24.	Other cities of regional importance	85 per cent of the rate set for the regional centre	0.39
25.	Other towns of district importance	75 per cent of the rate set for the regional centre	0.19
26.	Rural settlements	0.96	0.13
27.	Villages	0.48	0.09

”;

2) part one of Article 505 of the Tax Code from May 3, 2022, until January 1, 2024, providing that during the period of suspension, this part shall apply as follows:

“Basic tax rates for residential land (excluding home sites) shall be set per square metre in the following amounts:

№ s/o	Category of locality	Basic tax rates for residential land, excluding land occupied by housing stock, including buildings and structures attached thereto (KZT)
1	2	3
	Cities:	
1.	Almaty	28.95
2.	Shymkent	9.17
3.	Astana	19.30
4.	Aktau	9.65
5.	Aktobe	6.75
6.	Atyrau	8.20
7.	Zhezkazgan	8.20
8.	Kokshetau	5.79
9.	Karagandy	9.65
10.	Konayev	6.75
11.	Kostanay	6.27
12.	Kyzylorda	8.68
13.	Oral	5.79
14.	Oskemen	9.65
15.	Pavlodar	9.65
16.	Petropavl	5.79

17.	Semey	8.20
18.	Taldykorgan	9.17
19.	Taraz	9.17
20.	Turkestan	7.79
21.	Almaty Region:	
22.	cities of regional importance	6.75
23.	towns of district significance	5.79
24.	Akmola Region:	
25.	cities of regional importance	5.79
26.	towns of district significance	5.02
27.	Other cities of regional importance	85 per cent of the rate set for the regional centre
28.	Other towns of district importance	75 per cent of the rate set for the regional centre
29.	Rural settlements	0.96
30.	Villages	0.48

”
;

Footnote. The Law is supplemented with Article 43-1 in accordance with Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (to be enacted from 01.01.2018); as reworded by Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall come into force on 01.01.2023).

Article 43-2. To suspend, until June 1, 2018, part three of paragraph 1 of Article 510 of the Tax Code, and to establish that during the period of suspension this part shall read as follows:

“A decision on the reduction or increase of land tax rates shall be made by a local representative body on or before June 1 and take effect on January 1 of the year of its adoption.”.

Footnote. The Law is supplemented with Article 43-2 in accordance with Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (to be enacted from 01.01.2018); in the wording of Law of the Republic of Kazakhstan № 210-VI as of 28.12.2018 (to be enacted from 01.07.2018).

Article 43-3. Suspend:

1) until 1 January 2020, the effect of paragraph 2 of Article 529 of the Tax Code, stipulating that during the period of suspension the paragraph shall apply as follows:

“2 The basic cost per square metre of a dwelling, dacha building in national currency (C b) shall be determined by the type of locality in the following amounts:

№ s/o	Category of locality	Base cost in tenge
1	2	3
	Cities:	
1.	Almaty	60,000
2.	Shymkent	36,000
3.	Nur-Sultan	60,000

4.	Aktau	36,000
5.	Aktobe	36,000
6.	Atyrau	36,000
7.	Kokshetau	36,000
8.	Karagandy	36,000
9.	Kostanay	36,000
10.	Kyzylorda	36,000
11.	Oral	36,000
12.	Oskemen	36,000
13.	Pavlodar	36,000
14.	Petropavl	36,000
15.	Taldykorgan	36,000
16.	Taraz	36,000
17.	Turkestan	12,000
18.	cities of regional importance	12,000
19.	towns of district significance	6,000
20.	Rural settlements	4,200
21.	Villages	2,700

2) from May 3, 2022, until January 1, 2024, part one of paragraph 2 of Article 529 of the Tax Code, providing that during the period of suspension, this part shall apply as follows:

“2 The basic cost per square metre of a dwelling, dacha building in national currency (C b) shall be fixed depending on the type of locality in the following amounts:

№ s/o	Category of locality	Base cost in tenge
1	2	3
	Cities:	
1.	Almaty	60,000
2.	Shymkent	60,000
3.	Astana	60,000
4.	Aktau	36,000
5.	Aktobe	36,000
6.	Atyrau	36,000
7.	Zhezkazgan	12,000
8.	Kokshetau	36,000
9.	Karagandy	36,000
10.	Konayev	12,000
11.	Kostanay	36,000
12.	Kyzylorda	36,000
13.	Oral	36,000
14.	Oskemen	36,000
15.	Pavlodar	36,000
16.	Petropavl	36,000

17.	Semey	12,000
18.	Taldykorgan	36,000
19.	Taraz	36,000
20.	Turkestan	36,000
21.	cities of regional importance	12,000
22.	towns of district significance	6,000
23.	Rural settlements	4,200
24.	Villages	2,700

”;

Footnote. The Law is supplemented with Article 43-3 in accordance with Law of the Republic of Kazakhstan № 210-VI as of 28.12.2018 (to be enacted from 01.07.2018); as reworded by Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall be in force on 01.01.2023).

Article 43-4. To suspend from January 1, 2018 to January 1, 2020, the effect of paragraph 7 of Article 490 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"7. The payer of the tax on vehicles transferred by state institutions and certain categories of legal entities into trust management is determined in accordance with Article 41 of this Code."

Footnote. The Law was supplemented with Article 43-4 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 43-5. To suspend from January 1, 2018 to January 1, 2020, the effect of paragraph 5 of Article 498 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"5. The payer of the tax on land plots transferred by state institutions and certain categories of legal entities into trust management is determined in accordance with Article 41 of this Code."

Footnote. The Law was supplemented with Article 43-5 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 43-6. To suspend from January 1, 2018 to January 1, 2020, the effect of paragraph 1 of Article 518 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following edition:

"1. When state institutions and certain categories of legal entities transfer the object of taxation to trust management, the taxpayer is determined in accordance with Article 41 of this Code."

Footnote. The Law was supplemented with Article 43-6 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 43-7. For the period from January 1, 2018 to January 1, 2020, to supplement Article 560 of the Tax Code with paragraph 4 of the following content:

"4. The payer of the payment for the use of land plots occupied by property held in trust management under an agreement with certain categories of legal entities is determined in accordance with paragraph 2 of Article 41 of this Code."

Footnote. The Law was supplemented with Article 43-7 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 43-8. To suspend until January 1, 2025 the validity of paragraphs 2, 5, 6 and 8 of Article 576 of the Tax Code, having established that during the period of suspension, these paragraphs shall be valid as follows:

"2. The rates of payment for emissions of pollutants from stationary sources shall be:

Item №	Types of pollutants	Payment rates per 1 ton (MCI)	Payment rates per 1 kg (MCI)
1	2	3	4
1.	Sulfur oxides (SO _x)	10	
2.	Nitrogen oxides (NO _x)	10	
3.	Dust and ash	5	
4.	Lead and its compounds	1993	
5.	Hydrogen sulphide	62	
6.	Phenols	166	
7.	Hydrocarbons	0,16	
8.	Formaldehyde	166	
9.	Carbon monoxide	0,16	
10.	Methan	0,01	
11.	Soot	12	
12.	Iron oxides	15	
13.	Ammonia	12	
14.	Chrome hexavalent	399	
15.	Copper oxides	299	
16.	Benz(a)pyrene		498,3

".

"5. The rates of payment for discharges of pollutants shall be:

Item №	Types of pollutants	Payment rates per 1 ton (MCI)
1	2	3
1.	Nitrites	670
2.	Zink	1340

3.	Copper	13402
4.	Biological oxygen demand	4
5.	Ammonium saline	34
6.	Oil products	268
7.	Nitrates	1
8.	Total ferrum	134
9.	Sulphates (anion)	0,4
10.	Suspended substances	1
11.	Synthetic surfactants	27
12.	Chlodires (anion)	0,1
13.	Aluminium	27

6. Payment rates for disposal of production and consumption waste shall be:

Item №	Виды отходов	Payment rates (MCI)	
		Per 1 ton	per 1 gigabecquerel (G bq)
1	2	3	4
1.	For the disposal of production and consumption waste at landfills, in storage tanks, at authorized landfills and in specially designated places:		
1.1.	Waste for which hazard properties are taken into account for the purposes of calculating the fee, with the exception of the waste indicated in line 1.2 of this table:		
1.1.1.	hazardous waste	4,005	
1.1.2.	non-hazardous waste	0,53	
1.2.	Certain types of waste for which hazard properties are not taken into account for the purposes of calculating the fee:		
1.2.1.	Municipal waste (solid domestic waste, sludge from sewage treatment plants)	0,19	
1.2.2.	Waste from mining and quarrying (other than oil and natural gas extraction)) :		
1.2.2.1.	Overburden rocks	0,002	
1.2.2.2.	enclosing rocks	0,013	
1.2.2.3.	Washery refuse	0,01	

1.2.2.4.	Sluges, slurries	0,019	
1.2.3.	Slugs, slurries formed at the metallurgical stage during the processing of ores, concentrates, agglomerates and pellets containing minerals, the production of alloys and metals	0,019	
1.2.4.	Ash and ash slugs	0,33	
1.2.5.	Agricultural waste, including manure, bird lime	0,001	
1.2.6.	Radioactive waste:		
1.2.6.1.	transuranium		0,38
1.2.6.2.	alpha-radioactive		0,19
1.2.6.3.	beta-radioactive		0,02
1.2.6.4.	Radioactive pills		0,19

”;

”8. Local representative bodies shall have the right to raise the rates established by this article no more than twice, with the exception of the rates established by paragraph 3 of this article.”.

Footnote. The Law was amended with Article 43-8 in accordance with the Law of the Republic of Kazakhstan dated 02.01.2021 № 402-VI (shall come into force from 01.01.2022). Article 43-9. To suspend until January 1, 2037 the validity of paragraph 2 of Article 577 of the Tax Code, and to establish that during the period of suspension this paragraph shall be valid as follows:

1) from January 1, 2022 to January 1, 2025:

”2. When calculating by individual payers the amount of payment for objects that have a negative impact on the environment, for which a comprehensive environmental permit is not in force, the following coefficients shall apply to the corresponding payment rates:

1) by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,3 – to the rates, established in paragraph 2 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code;

0,43 – to the rates, established in paragraph 5 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code;

0,05 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code;

2) by payers who are operators of landfills and carry out the disposal of municipal waste:

0,2 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence.

At the same time, the coefficients established by part one of this paragraph shall apply to the volumes of negative environmental impact within the limits and limits established in the relevant environmental permits of payers for objects of categories I and II, or the volumes of negative environmental impact indicated in declarations on objects of category III.";

2) from January 1, 2025 to January 1, 2028:

"2. When calculating by individual payers the amount of payment for objects that have a negative impact on the environment, for which a comprehensive environmental permit is not in force, the following coefficients shall apply to the corresponding payment rates:

1) for objects of category I included in the list of fifty objects of category I, the largest in terms of total emissions of pollutants as of January 1, 2021, approved by the Government of the Republic of Kazakhstan:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,6 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,86 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,1 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

By other payers:

2 – to the rates, established in paragraphs 2, 3, 5, 6 and 7 of Article 576 of this Code;

2) for objects of category I, except for the objects specified in subparagraph 1) of part one of this paragraph, as well as for objects of categories II and III:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,3 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,43 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,05 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by payers who are operators of landfills and carry out the disposal of municipal waste:

0,2 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence.

At the same time, the coefficients established by part one of this paragraph shall apply to the volumes of negative environmental impact within the limits and limits established in the

relevant environmental permits of payers for objects of categories I and II, or the volumes of negative environmental impact indicated in declarations on objects of category III.";

3) from January 1, 2028 to January 1, 2031:

"2. When calculating by individual payers the amount of payment for objects that have a negative impact on the environment, for which a comprehensive environmental permit is not in force, the following coefficients shall apply to the corresponding payment rates:

1) for objects of category I included in the list of fifty objects of category I, the largest in terms of total emissions of pollutants as of January 1, 2021, approved by the Government of the Republic of Kazakhstan:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

1,2 – to the rates, established in paragraph 2 of Article 576 of this Code;

1,72 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,2 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by other payers:

4 – to the rates, established in paragraphs 2, 3, 5, 6 and 7 of Article 576 of this Code;

2) for objects of category I, except for the objects specified in subparagraph 1) of part one of this paragraph, as well as for objects of categories II and III:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,3 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,43 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,05 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by payers who are operators of landfills and carry out the disposal of municipal waste:

0,2 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence.

At the same time, the coefficients established by part one of this paragraph shall apply to the volumes of negative environmental impact within the limits and limits established in the relevant environmental permits of payers for objects of categories I and II, or the volumes of negative environmental impact indicated in declarations on objects of category III.";

4) from January 1, 2031 to January 1, 2034:

"2. When calculating by individual payers the amount of payment for objects that have a negative impact on the environment, for which a comprehensive environmental permit is not in force, the following coefficients shall apply to the corresponding payment rates:

1) for objects of category I included in the list of fifty objects of category I, the largest in terms of total emissions of pollutants as of January 1, 2021, approved by the Government of the Republic of Kazakhstan:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

2,4 – to the rates, established in paragraph 2 of Article 576 of this Code;

3,44 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,4 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

By other payers:

8 – to the rates, established in paragraphs 2, 3, 5, 6 and 7 of Article 576 of this Code;

2) for objects of category I, except for the objects specified in subparagraph 1) of part one of this paragraph:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,6 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,86 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,1 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by payers who are operators of landfills and carry out the disposal of municipal waste:

0,4 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence;

by other payers:

2 – to the rates, established in paragraphs 2, 3, 5, 6 and 7 of Article 576 of this Code;

3) for objects of II and III categories:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,3 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,43 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,05 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by payers who are operators of landfills and carrying out the disposal of municipal waste:

0,2 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence.

At the same time, the coefficients established by part one of this paragraph shall apply to the volumes of negative environmental impact within the limits and limits established in the relevant environmental permits of payers for objects of categories I and II, or the volumes of negative environmental impact indicated in declarations on objects of category III.";

5) from January 1, 2034 to January 1, 2037:

"2. When calculating by individual payers the amount of payment for objects that have a negative impact on the environment, for which a comprehensive environmental permit is not in force, the following coefficients shall apply to the corresponding payment rates:

1) for objects of category I included in the list of fifty objects of category I, the largest in terms of total emissions of pollutants as of January 1, 2021, approved by the Government of the Republic of Kazakhstan:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

2,4 – to the rates, established in paragraph 2 of Article 576 of this Code;

3,44 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,4 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by other payers:

8 – to the rates, established in paragraphs 2, 3, 5, 6 and 7 of Article 576 of this Code;

2) for objects of category I, except for the objects specified in subparagraph 1) of part one of this paragraph:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

1,2 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,72 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,2 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

by payers who are operators of landfills and carry out the disposal of municipal waste:

0,8 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence;

by other payers:

4 – to the rates, established in paragraphs 2, 3, 5, 6 and 7 of Article 576 of this Code;

3) for objects of II and III categories:

by payers that are subjects of natural monopolies - in the provision of public services, payers that are energy-producing organizations - in the production of electricity:

0,3 – to the rates, established in paragraph 2 of Article 576 of this Code;

0,43 – to the rates, established in paragraph 5 of Article 576 of this Code;

0,05 – to the rates, established in line 1.2.4 of the table of paragraph 6 of Article 576 of this Code;

payers who are operators of landfills and carry out the disposal of municipal waste:

0,2 – to the rates, established in line 1.2.1 of the table of paragraph 6 of Article 576 of this Code, taking into account their increase by local representative bodies in accordance with paragraph 8 of Article 576 of this Code for the volume of municipal solid waste generated by individuals at their place of residence.

At the same time, the coefficients established by part one of this paragraph shall apply to the volumes of negative environmental impact within the limits and limits established in the relevant environmental permits of payers for objects of categories I and II, or the volumes of negative environmental impact indicated in declarations on objects of category III."

Footnote. The Law was amended with Article 43-9 in accordance with the Law of the Republic of Kazakhstan dated 02.01.2021 № 402-VI (shall come into force from 01.01.2022). Article 43-10.

To suspend from May 3, 2022, until January 1, 2024, Part one, paragraph 2, Article 531 of the Tax Code, providing that during the period of suspension, this part shall apply as follows:

“2. Basic tax rates for land occupied by the housing stock, including buildings and structures attached thereto (excluding home sites), shall be set per square metre in the following amounts:

№ s/o	Category of locality	Basic tax rates for land occupied by housing stock, including buildings and structures attached thereto (KZT)
1	2	3
	Cities:	
1.	Almaty	0.96
2.	Shymkent	0.58
3.	Astana	0.96
4.	Aktau	0.58
5.	Aktobe	0.58
6.	Atyrau	0.58
7.	Zhezkazgan	0.39
8.	Kokshetau	0.58
9.	Karagandy	0.58
10.	Konayev	0.39
11.	Kostanay	0.58
12.	Kyzylorda	0.58
13.	Oral	0.58
14.	Oskemen	0.58
15.	Pavlodar	0.58

16.	Petropavl	0.58
17.	Semey	0.39
18.	Taldykorgan	0.58
19.	Taraz	0.58
20.	Turkestan	0.39
21.	Almaty Region:	
22.	cities of regional importance	0.39
23.	towns of district significance	0.39
24.	Akmola Region:	
25.	cities of regional importance	0.39
26.	towns of district significance	0.39
27.	Other cities of regional importance	0.39
28.	Other towns of district importance	0.19
29.	Rural settlements	0.13
30.	Villages	0.09

”.

Footnote. The Law is supplemented by Article 43-10 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall be enacted on 01.01.2023).

Article 44. To suspend:

1) until January 1, 2021, paragraph 2 of Article 595 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

"2. The annual fee rates for the following types of radio communication are as follows:

Item №	Types of radio communication	Coverage area	Fee rate (MCI)
1.	Radio paging systems (per 25 kHz frequency assignment)	a region, a city of national significance and the capital	10
2.	Trunked system (per a radio channel of 25 kHz to receive/25 kHz to transmit)		
2.1.		a city of national significance and the capital	140
2.2.		a populated locality with more than 50 thousand people	80
2.3.		o t h e r administrative-territorial units (a town of district significance, a district, a village, a rural settlement, a rural district)	10
3.	VHF radio communication (per a duplex channel of 25		

	kHz to receive /25 kHz to transmit)		
3.1.		a city of national significance and the capital	80
3.2.		a populated locality with more than 50 thousand people	60
3.3.		o t h e r administrative-territorial units (a town of district significance, a district, a village, a rural settlement, a rural district)	15
4.	VHF radio communication (per a 25 kHz simplex channel)		
4.1.		a city of national significance and the capital	30
4.2.		a populated locality with more than 50 thousand people	20
4.3.		o t h e r administrative-territorial units (a town of district significance, a district, a village, a rural settlement, a rural district)	10
5.	HF communication (per frequency assignment) with transmitter power output: – up to 50 W; – over 50 W	a region, a city of national significance and the capital	10 20
6.	Radio extenders (per channel)	a region, a city of national significance and the capital	2
7.	Cellular communication (per a bandwidth of 1 MHz to receive/1 MHz to transmit)	a region, a city of national significance and the capital	2 850
8.	Global mobile personal communications by satellite (per a duplex bandwidth of 100 kHz to receive/ 100 kHz to transmit)	the Republic of Kazakhstan	20
9.	Satellite communication with HUB-technology (per a bandwidth of 100 kHz to receive/100 kHz to transmit, used on the HUB)	the Republic of Kazakhstan	30

10.	Satellite communication without HUB-technology (for frequencies used by one station)	the Republic of Kazakhstan	100
11.	Radio-relay links (per a duplex channel on one span):		
11.1.	local	a district, town, village, rural settlement, rural district	40
11.2.	zonal and main	the Republic of Kazakhstan	10
12.	Wireless radio access systems (per a duplex channel of 25 kHz to receive/25 kHz transmit)		
12.1.		a populated locality with more than 50 thousand people	25
12.2.		o t h e r administrative-territorial units (a town of district significance, a district, a village, a rural settlement, a rural district)	2
13.	Wireless radio access systems using BBS technology (for a duplex channel of 2 MHz to receive/2 MHz to transmit)		
13.1.		a city of national significance and the capital	140
13.2.		a populated locality with more than 50 thousand people	70
13.3.		o t h e r administrative-territorial units (a town of district significance, a district, a village, a rural settlement, a rural district)	5
14.	Terrestrial and cable TV (per 8 MHz frequency band)		
14.1.		a populated locality with more than 200 thousand people	300
14.2.		a populated locality with 50 to 200 thousand people	135
14.3.		a town of district significance with up to 50 thousand people, a district	45

14.4.		o t h e r administrative-territorial units (a village, a rural settlement, a rural district)	5
15.	Marine radio communication (radio modem, coastal communication, telemetering, radar, etc.), per one radio channel	a region	10
16.	Fourth-generation mobile communication (per a bandwidth of 2 MHz to receive/2 MHz to transmit)	a region, a city of national significance and the capital	2 650

”;

1-1) Until January 1, 2021 the validity of lines seven and sixteen of the table of paragraph 2 of Article 595 of the Tax Code and until January 1, 2025 the validity of an annual rate of payment for cellular communication provided by the table of paragraph 2 of Article 595 of the Tax Code, for telecom operators who have assumed obligations within the framework of permits issued by the authorized body in the field of communications for the use of the radio frequency spectrum, who independently or in a consolidated manner directed funds not less than the released funds from the reduction of the corresponding fee rate to finance broadband Internet access projects in urban and rural areas, by setting certain annual fees to be reduced by 90 percent,

The refund of payment amounts paid by the payers shall not be made.

In order to formalize such obligations, telecommunication operators shall send a permit for the use of the radio frequency spectrum to the authorized body in the field of communications, which makes obligations and returns the permit for the use of the radio frequency spectrum to the telecom operator.

Telecommunication operators shall submit to the authorized body in the field of communications annual audited information on the financing of these projects before and after the fulfillment of the relevant obligations, as well as on a monthly basis provide information on providing broadband Internet access to urban and rural settlements;

1-2) from January 1, 2023, effect of lines 9, 9.1 and 10 in the table of paragraph 2 of Article 595 of the Tax Code and until January 1, 2028, effect of annual fees for satellite communications using non-geostationary satellites (for 2 MHz bandwidth for reception/2 MHz for transmission, per transmitting device), satellite communications with HUB technology (for 100 kHz bandwidth for reception/100 kHz for transmission used on HUB) and satellite communications without HUB technology (for frequencies used by a single station) specified in the table of paragraph 2 of Article 595 of the Tax Code, for telecommunications operators who have assumed obligations under permits for the use of the radio frequency spectrum issued by the competent authority in the field of communications

and have independently allocated funds not less than the released funds from the reduction of the relevant fee rate to finance broadband Internet access projects in rural settlements using satellite technologies, having established that certain annual rates of charge shall be reduced by 90 per cent from the date of the commitment.

No refunds of fees paid by taxpayers shall be made.

To formalise such obligations, telecommunications operators shall submit an authorisation for the use of the radio frequency spectrum to the competent authority for communications, such authority shall enter the obligations and return the authorisation for the use of the radio frequency spectrum to the telecommunications operator.

The telecommunications operators shall provide annual audited information on the financing of the said projects to the competent telecommunications authority after fulfilment of the respective obligations;

2) until January 1, 2019, paragraph 3 of Article 595 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“3. The annual fee rates for digital terrestrial television and radio broadcasting are as follows:

Item №	Frequency band for digital terrestrial television and radio broadcasting	Coverage area	Fee rate (MCI)
1	2	3	4
1.	Television/VHF band		
1.1.	Power of radio-electronic transmitter up to 50 W inclusive	the cities of Astana, Almaty	81
		a region and the city of Shymkent	15
1.2.	Power of radio-electronic transmitter up to 250 W inclusive	the cities of Astana, Almaty	361
		a region and the city of Shymkent	65
1.3.	Power of radio-electronic transmitter up to 500 W inclusive	the cities of Astana, Almaty	957
		a region and the city of Shymkent	174
1.4.	Power of radio-electronic transmitter up to 1 000 W inclusive	the cities of Astana, Almaty	1 353
		a region and the city of Shymkent	245
1.5.	Power of radio-electronic transmitter over 1 000 W Br	the cities of Astana, Almaty	2 344

		a region and the city of Shymkent	425
2.	Television/UHF band		
2.1.	Power of radio-electronic transmitter up to 50 W inclusive	the cities of Astana, Almaty	51
		a region and the city of Shymkent	9
2.2.	Power of radio-electronic transmitter up to 250 W inclusive	the cities of Astana, Almaty	228
		a region and the city of Shymkent	41
2.3.	Power of radio-electronic transmitter up to 500 W inclusive	the cities of Astana, Almaty	605
		a region and the city of Shymkent	110
2.4.	Power of radio-electronic transmitter up to 1 000 W inclusive	the cities of Astana, Almaty	855
		a region and the city of Shymkent	155
2.5.	Power of radio-electronic transmitter over 1 000 W	the cities of Astana, Almaty	1 481
		a region and the city of Shymkent	269

”.

Footnote. Article 44 in the wording of Law of the Republic of Kazakhstan № 210-VI as of 28.12.2018 (see Art. 2 for the enactment procedure); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2020); № 135-VII of 11.07.2022 (shall be effective on 01.01.2023).

Article 44-1. To suspend, until January 1, 2020, Clause 10 of Chapter 69 of the Tax Code with regard to towns of district significance, villages, rural settlements, rural districts with up to two thousand people.

Footnote. The Law is supplemented with Article 44-1 in accordance with Law of the Republic of Kazakhstan № 215-VI as of 08.01.2019 (to be enacted from 01.01.2018).

Article 44-2. Article 606-4 of the Tax Code shall be suspended until January 1, 2023, specifying that, during the period of suspension, this Article shall apply as follows:

“Article 606-4. Tax period and tax return

1. The tax period for calculating the fee shall be the calendar year.

2. A declaration for the year 2022 shall be lodged with the tax authority at the location of the taxpayer not later than March 31 of the year following the reporting year”.

Footnote. The Law as supplemented by Article 44-2 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall come into force on 01.01.2023).

Article 44-3. That paragraph 2 of Article 606-5 of the Tax Code shall be suspended until January 1, 2023, specifying that during the period of suspension the paragraph shall apply as follows:

“2. The taxpayer shall pay the fee amounts to the budget no later than ten calendar days after the deadline for submission of the return.”

Footnote. The Law as supplemented by Article 44-3 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall become effective on 01.01.2023).

Article 45. To suspend, until January 1, 2019, item one of subparagraph 4) of paragraph 1 of Article 610 of the Tax Code, and to establish that during the period of suspension this item shall read as follows:

“4) on applications for challenging notifications of audit certificates:”.

Article 45-1. To suspend until January 1, 2025, the effect of article 630 of the Tax Code, establishing that during the period of suspension this article is valid in the following edition:

1) in the period from January 1, 2021 to January 1, 2023:

"Article 630. Declaration of assets and liabilities

1. The declaration of assets and liabilities is submitted by the following individuals, who, as of January 1 of the year of submission of the declaration of assets and liabilities, are:

persons holding responsible public position and their spouses;

persons authorized to perform state functions and their spouses;

persons equated to persons authorized to perform state functions and their spouses;

persons charged with the obligation to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market".

2. The persons specified in paragraph 1 of this article draw up a declaration of assets and liabilities as of December 31 of the year preceding the year of submission of a declaration of assets and liabilities, unless otherwise provided for by the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market".

3. Declaration of assets and liabilities is divided into the following types:

1) initial - a declaration of assets and liabilities submitted by an individual due to the fact that the established obligation to submit such a declaration arose for the first time;

2) regular - a declaration of assets and liabilities submitted by an individual in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan", the laws of the Republic of Kazakhstan "On combating corruption", "On banks

and banking activities in the Republic of Kazakhstan", "On insurance activities ", "On the securities market" after submission of an initial declaration of assets and liabilities by such an individual;

3) additional - a declaration of assets and liabilities submitted by an individual when making changes and (or) additions to the previously submitted declaration of assets and liabilities of an individual, to which these changes and (or) additions relate;

4) additional on notification - a declaration of assets and liabilities submitted by an individual when making changes and (or) additions to the previously submitted declaration of assets and liabilities, in which the tax authority revealed violations based on the results of in-house control over the assets and liabilities of an individual.

4. A declaration of assets and liabilities is submitted once, except for the submission:

1) by persons charged with the obligation to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking in the Republic of Kazakhstan", "On insurance activities ", "On the securities market";

2) additional tax reporting provided for in Article 211 of this Code.";

2) in the period from January 1, 2023 to January 1, 2024:

"Article 630. Declaration of assets and liabilities

1. The declaration of assets and liabilities is submitted by the following individuals, who, as of January 1 of the year of submission of the declaration of assets and liabilities are:

1) persons holding a responsible public position and their spouses;

persons authorized to perform state functions and their spouses;

persons equated to persons authorized to perform state functions and their spouses;

persons charged with the obligation to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market";

2) employees of state institutions and their spouses, as well as employees of subjects of the quasi-public sector and their spouses, with the exception of the persons specified in subparagraph 1) of this paragraph.

The provisions of subparagraph 2) of this paragraph shall not apply to non-residents.

2. The persons specified in paragraph 1 of this article draw up a declaration of assets and liabilities as of December 31 of the year preceding the year of submission of a declaration of assets and liabilities, unless otherwise provided for by the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market".

3. Declaration of assets and liabilities is divided into the following types:

1) initial - a declaration of assets and liabilities submitted by an individual due to the fact that the established obligation to submit such a declaration arose for the first time;

2) regular - a declaration of assets and liabilities submitted by an individual in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan", the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market" after submission of an initial declaration of assets and liabilities by such an individual;

3) additional - a declaration of assets and liabilities submitted by an individual when making changes and (or) additions to the previously submitted declaration of assets and liabilities of an individual, to which these changes and (or) additions relate;

4) additional on notification - a declaration of assets and liabilities submitted by an individual when making changes and (or) additions to the previously submitted declaration of assets and liabilities, in which the tax authority revealed violations based on the results of in-house control over the assets and liabilities of an individual.

4. The declaration of assets and liabilities is submitted once, except for the submission:

1) by persons charged with the obligation to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking in the Republic of Kazakhstan", "On insurance activities", "On the securities market";

2) additional tax reporting provided for in Article 211 of this Code.";

3) in the period from January 1, 2024 to January 1, 2025:

"Article 630. Declaration of assets and liabilities

1. The declaration of assets and liabilities is submitted by the following individuals, who, as of January 1 of the year of submission of the declaration of assets and liabilities, are:

1) persons holding a responsible public position and their spouses;

persons authorized to perform state functions and their spouses;

persons equated to persons authorized to perform state functions and their spouses;

persons charged with the obligation to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market";

2) employees of state institutions and their spouses, as well as employees of subjects of the quasi-public sector and their spouses, with the exception of the persons specified in subparagraph 1) of this paragraph;

3) by heads, founders (participants) of legal entities and their spouses, individual entrepreneurs and their spouses, with the exception of persons specified in subparagraphs 1) and 2) of this paragraph.

The provisions of subparagraphs 2) and 3) of this paragraph shall not apply to non-residents, as well as founders (participants) of non-profit organizations and shareholders.

2. The persons specified in paragraph 1 of this article draw up a declaration of assets and liabilities as of December 31 of the year preceding the year of submission of a declaration of assets and liabilities, unless otherwise provided for by the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market".

3. Declaration of assets and liabilities is divided into the following types:

1) initial - a declaration of assets and liabilities submitted by an individual due to the fact that the established obligation to submit such a declaration arose for the first time;

2) regular - a declaration of assets and liabilities submitted by an individual in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan", the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking activities in the Republic of Kazakhstan", "On insurance activities", "On the securities market" after submission of an initial declaration of assets and liabilities by such an individual;

3) additional - a declaration of assets and liabilities submitted by an individual when making changes and (or) additions to the previously submitted declaration of assets and liabilities of an individual, to which these changes and (or) additions relate;

4) additional on notification - a declaration of assets and liabilities submitted by an individual when making changes and (or) additions to the previously submitted declaration of assets and liabilities, in which the tax authority revealed violations based on the results of in-house control over the assets and liabilities of an individual.

4. The declaration of assets and liabilities is submitted once, except for the submission:

1) by persons charged with the obligation to submit a declaration in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" and the laws of the Republic of Kazakhstan "On combating corruption", "On banks and banking in the Republic of Kazakhstan", "On insurance activities", "On the securities market";

2) additional tax reporting provided for in Article 211 of this Code.”.

Footnote. The Law was supplemented with Article 45-1 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 № 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021);

dated 01.07.2024 № 105-VIII (enters into force ten calendar days from the date of its first official publication).

Article 45-2. To suspend until January 1, 2025, the effect of Article 631 of the Tax Code, establishing that during the period of suspension this article is valid in the following edition:

"Article 631. Specifics of drawing up a declaration of assets and liabilities

1. The declaration of assets and liabilities is intended for reflection by individuals specified in paragraph 1 of Article 630 of this Code, of the information on the availability of the following in the Republic of Kazakhstan and beyond:

1) property on which rights and (or) transactions are subject to state or other registration with the competent authority of a foreign state in accordance with the legislation of a foreign state:

real estate, land plots and (or) land shares, aircraft and sea vessels, inland waterway vessels, "river-sea" navigation vessels;

vehicles, special vehicles and/or trailers;

money on bank accounts in foreign banks allocated outside of the Republic of Kazakhstan, in an amount that in aggregate exceeds for all bank deposits 1000 times the monthly calculation index established by the law on the republican budget and effective as of December 31 of the reporting tax period;

However, persons adopting anti-corruption restrictions under the Law of the Republic of Kazakhstan "On Combating Corruption" on opening and holding accounts (deposits) in foreign banks beyond the Republic of Kazakhstan, storing cash and valuables in foreign banks located outside the Republic of Kazakhstan shall reflect information on the availability of money in foreign banks located outside the Republic of Kazakhstan in the declaration of assets and liabilities, regardless of the amount of bank deposit;

2) property in the Republic of Kazakhstan and (or) outside it:

share in a residential building under an agreement on equity participation in housing construction;

share in the authorized capital of a legal entity established outside of the Republic of Kazakhstan;

securities, derivative financial instruments (excluding derivative financial instruments executed by acquisition or sale of the underlying asset), digital assets;

investment gold;

objects of intellectual property, copyright;

cash, which is indicated in an amount not exceeding the limit of 10,000 times the size of the monthly calculation index established by the law on the republican budget and effective on December 31, the previous year of submission of the declaration of assets and liabilities of an individual;

debt of other persons to an individual (accounts receivable) and (or) debt of an individual to other persons (accounts payable) in the presence of an agreement or other document that is

the basis for the emergence of an obligation or claim, notarized (certified), with the exception of debt to banks and organizations, carrying out certain types of banking operations, created in accordance with the legislation of the Republic of Kazakhstan on banks and banking activities in the Republic of Kazakhstan;

3) other property specified in paragraph 4 of this article.

2. Annexes to the declaration of assets and liabilities are intended for a detailed reflection of information specified in paragraph 1 of this article, used by tax authorities for tax control purposes.

3. Persons who, in accordance with the Law of the Republic of Kazakhstan "On combating corruption", are obliged to submit declarations of individuals, reflect information on the transfer of property into trust management, trusts in the annexes to the declaration of assets and liabilities.

4. At the natural person's option, other property may be declared in the asset and liability declaration if the price (value) per unit of such property exceeds 1,000 times the monthly calculation index established by the Law on the Republican Budget and effective as of December 31 of the reporting tax period, provided that there is a value as of December 31 of the reporting tax period, as determined in the valuation report conducted under an agreement between the appraiser and the taxpayer under the laws of the Republic of Kazakhstan on taxation.

The provision of the first part of this subparagraph shall not apply to property subject to state or other registration, as well as property for which rights and (or) transactions are subject to state or other registration.

2) excluded the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

3) excluded the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

4) excluded the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

Footnote. The Law was supplemented with Article 45-2 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 № 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021); № 165-VII of 21.12.2022 (shall come into force on 01.01.2023).

Article 45-3. To suspend Article 633 of the Tax Code until January 1, 2025, providing that during the period of suspension, this Article shall be effective as follows:

“Article 633. Declaration of income and property

Declaration of income and property shall be submitted annually as of December 31 of the reporting tax period, starting from the year following the year of submission of the declaration of assets and liabilities.”.

Footnote. The Law was supplemented with Article 45-3 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 № 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021); dated 01.07.2024 № 105-VIII (comes into force ten calendar days from the date of its first official publication).

Article 46. To suspend, until January 1, 2022, item three of part one of subparagraph 5) and part three of subparagraph 8) of paragraph 9 of Article 645 of the Tax Code, and to establish that during the period of suspension these provisions shall read as follows:

1) from January 1, 2018 until January 1, 2019:

“within a twelve-month period preceding the first day of the month of dividends’ accrual, a resident legal entity, which is a subsoil user paying dividends, has been carrying out after-treatment (after primary processing) of at least 35 percent of mineral raw materials mined within that period, including coal, at its own production facilities located in the territory of the Republic of Kazakhstan and (or) those owned by a resident legal entity, which is its related party.”;

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of its right to extract groundwater and (or) common minerals for own use, as well as a subsoil user, who, within a twelve-month period preceding the first day of the month of sale of shares or participatory interests, has been carrying out after-treatment (after primary processing) of at least 35 percent of mineral raw materials mined within that period, including coal, at its own production facilities located in the territory of the Republic of Kazakhstan and (or) those owned by a resident legal entity, which is its related party.”;

2) from January 1, 2019 until January 1, 2020:

“within a twelve-month period preceding the first day of the month of dividends’ accrual, a resident legal entity, which is a subsoil user paying dividends, has been carrying out after-treatment (after primary processing) of at least 40 percent of mineral raw materials mined within that period, including coal, at its own production facilities located in the territory of the Republic of Kazakhstan and (or) those owned by a resident legal entity, which is its related party.”;

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of its right to extract groundwater and (or) common minerals for own use, as well as a subsoil user, who, within a twelve-month period preceding the first day of the month of sale of shares or participatory interests, has been carrying out after-treatment (after primary processing) of at least 40 percent of mineral raw materials mined within that period, including coal, at its own production facilities located in the territory of the Republic of Kazakhstan and (or) those owned by a resident legal entity, which is its related party.”;

3) from January 1, 2020 until January 1, 2022:

“within a twelve-month period preceding the first day of the month of dividends’ accrual, a resident legal entity, which is a subsoil user paying dividends, has been carrying out after-treatment (after primary processing) of at least 50 percent of mineral raw materials mined within that period, including coal, at its own production facilities located in the territory of the Republic of Kazakhstan and (or) those owned by a resident legal entity, which is its related party.”;

“For the purposes of this subparagraph, a subsoil user is not recognized as a subsoil user only because of its right to extract groundwater and (or) common minerals for own use, as well as a subsoil user, who, within a twelve-month period preceding the first day of the month of sale of shares or participatory interests, has been carrying out after-treatment (after primary processing) of at least 50 percent of mineral raw materials mined within that period, including coal, at its own production facilities located in the territory of the Republic of Kazakhstan and (or) those owned by a resident legal entity, which is its related party”.

Article 46-1. That indent six of subparagraph 3) of paragraph 2 of Article 683 of the Tax Code shall be suspended until January 1, 2026, stipulating that during the period of suspension, the paragraph shall have the following wording:

“subsoil use (excluding subsoil use activities undertaken under a licence for prospecting);

Footnote. The Law as supplemented by Article 46-1 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall be enacted on 01.01.2023).

Article 47. To suspend, until January 1, 2020, paragraph 1 of Article 685 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“1. A special tax regime on the basis of the patent may be applied by individual entrepreneurs who not only observe the conditions established for small business entities by subparagraph 2) of paragraph 2 of Article 683 of this Code, but also:

- 1) do not employ workers;
- 2) carry out their activity in the form of individual entrepreneurship.”.

Article 48. To suspend, until January 1, 2020, paragraph 2 of Article 686 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

“2. The amount of individual income tax included in the patent value is calculated by applying a rate of 1 percent to a taxable item, except for a taxable item of persons engaged in the trade activity.

Individual entrepreneurs engaged in the trade activity calculate the amount of individual income tax included in the patent value by applying a rate of 2 percent to a taxable item, except for income received in non-cash transactions, which are taxed at a rate of 1 percent.

Individual entrepreneurs engaged in the trade activity maintain separate accounting for income taxed at different rates of individual income tax. At the same time, income received in non-cash transactions is recorded in the tax register in the form established by the authorized body, on the basis of source documents, including bank account statements.”.

Article 48-1. For the period from January 1, 2019 to January 1, 2022, to supplement Article 686 of the Tax Code with paragraph 2-1 of the following content:

1) for the period from January 1, 2019 to January 1, 2020:

"2-1. The amount of individual income tax calculated in accordance with paragraph 2 of this article is subject to downward adjustment for the purchase of one cash register with the function of recording and transmitting data or a three-component integrated system in the amount of KZT 60,000, but not more than 50 percent of the calculated tax amount.

The tax reduction specified in part one of this paragraph is made as a whole for the entire tax period at the time when calculating the amount of individual income tax in the last calculation of the value of the patent for the tax period in which such a cash register with the function of recording and transmitting data was first registered in the tax authorities or a three-component integrated system is installed.";

2) for the period from January 1, 2020 to January 1, 2022:

"2-1. The amount of individual income tax calculated in accordance with paragraph 2 of this article is subject to downward adjustment for the purchase of a three-component integrated system in the amount of KZT 60,000, but not more than 50 percent of the calculated tax amount.

The tax reduction specified in part one of this paragraph is made as a whole for the entire tax period at the time when calculating the amount of individual income tax in the last calculation of the value of the patent for the tax period in which such a three-component integrated system is installed, as well as for the tax period following the tax period of such acquisition."

Footnote. The Law was supplemented with Article 48-1 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 48-2. For the period from January 1, 2019 to January 1, 2022, to supplement Article 687 of the Tax Code with paragraph 2-1 of the following content:

1) for the period from January 1, 2019 to January 1, 2020:

"2-1. The amount of individual income tax calculated in the simplified declaration for the second half of the calendar year in which the taxpayer registered a cash register in the tax authorities with the function of recording and transmitting data or a three-component integrated system is subject to downward adjustment by this taxpayer by KZT 60,000, but not more than 50 percent of the calculated tax amount for both six months of such a calendar year

The provisions of part one of this paragraph are also applied by the taxpayer when calculating individual income tax and submitting a simplified declaration for the second half of the calendar year following the year in which such a three-component integrated system is installed.";

2) for the period from January 1, 2020 to January 1, 2022:

"2-1. The amount of individual income tax calculated in the simplified declaration for the second half of the calendar year in which the taxpayer installed the three-component integrated system is subject to downward adjustment by this taxpayer by KZT 60,000, but not more than 50 percent of the calculated amount of tax for both six months of such a calendar year.

The provisions of part one of this paragraph is applied by the taxpayer when calculating the individual income tax and submitting a simplified declaration for the second half of the calendar year following the year in which such a three-component integrated system is installed."

Footnote. The Law was supplemented with Article 48-2 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 49. To suspend, until January 1, 2020, paragraph 6 of Article 697 of the Tax Code, and to establish that during the period of suspension this paragraph shall read as follows:

"6. Taxpayers applying special tax regimes for agricultural producers are obliged to maintain separate accounting for income and expenses, property, in case they carry out the types of activities that are out of scope of such tax regimes, and also to calculate and pay relevant taxes and payments to the budget on the specified types of activity in accordance with the generally established procedure.

In this case, taxpayers shall maintain separate accounting, provided for in this paragraph, in accordance with the provisions of the tax accounting policy approved by them."

Article 50. To suspend, until January 1, 2020, Articles 703 and 704 of the Tax Code, and to establish that during the period of suspension these article shall read as follows:

"Article 703. Taxable item

A taxable item for the calculation of the uniform land tax is the assessed value of a land plot fixed on the basis of a certificate of the assessed value of land plots issued by the authorized state body for land management.

In case of no such a certificate of the assessed value of land plots, the assessed value of a land plot is determined on the basis of the assessed value of 1 hectare of land on average in a district, a city according to the data, provided by the authorized state body for land management, and the area of the land plot.

Article 704. The order for calculation of the uniform land tax

1. The uniform land tax on arable land is calculated by applying the following rates, based on the total area of land plots, to the total assessed value of land plots:

Item №	Area of land plots (hectare)	Tax rate
1.	up to 500	0.15%
2.	from 501 up to 1 000 incl.	0.15% of the assessed value of 500 hectares + 0.3% of the assessed value of the area of land plots over 500 hectares

3.	from 1 001 up to 1 500 incl.	0.3% of the assessed value of 1 000 hectares + 0.45% of the assessed value of the area of land plots over 1 000 hectares
4.	from 1 501 up to 3 000 incl.	0.45% of the assessed value of 1 500 hectares + 0.6% of the assessed value of the area of land plots over 1 500 hectares
5.	over 3 000	0.6% of the assessed value of 3 000 hectares + 0.75% of the assessed value of the area of land plots over 3 000 hectares

2. The uniform land tax on pastures, natural hayfields and other land plots used in the activity subject to the special tax regime is calculated by applying a 0.2% rate to the total assessed value of such land plots.

3. Based on proposals of local executive bodies, local representative bodies have the right to raise the rates of the uniform land tax by ten times at most on agricultural land not used in accordance with the land legislation of the Republic of Kazakhstan.

4. Peasant or farm enterprises calculate the uniform land tax for the actual period of application of the special tax regime in a taxable period, also in case of receiving a land plot into land use (ownership) and (or) refusal from the land use (sale) of a land plot.

5. The amount of the uniform land tax payable to the state budget at the location of each land plot is determined in proportion to the relative share of the area of such land plots to the total area of all land plots.

6. The amount of the uniform land tax for the actual period of application of the special tax regime is determined by:

dividing the total amount of the tax by twelve and multiplying the quotient by the number of months of such an actual period – if a taxpayer has not applied this special tax regime to all land plots within a full taxable period;

dividing the total amount of the tax payable to the budget of the district, in whose territory land plots, used in the activity, to which this special tax regime applies, are located, by twelve and multiplying the quotient by the number of months of the actual period – if a taxpayer has not applied the special tax regime in this district within a full taxable period;

dividing the amount of the tax, payable for a full taxable period, on the land plot used under this special tax regime by twelve and multiplying the quotient by the number of months of the actual period – if a taxpayer received such a land plot into land use (purchased this land plot) and (or) refused from the land use (sold this land plot) within a taxable period.

In this case, the tax on a land plot for the actual period of application of the special tax regime in the cases specified in item four of part one of this paragraph is calculated:

from the first month of a taxable period, if the special tax regime applied to such a land plot from the beginning of the taxable period, until the first day of the month, in which such a

land plot was transferred (sold) - in case of transfer (sale) of the land plot within a taxable period;

from the first day of the month, in which the land plot was received into land use (ownership), until the end of the taxable period or until the first day of the month, after which such a land plot was transferred into land use (sold).

7. The special tax regime for peasant or farm enterprises provides for a special procedure for settlements with the state budget on the basis of the payment of the uniform land tax and applies to the activity of peasant or farm enterprises on the production of agricultural products (except for excisable ones) and their sale, processing of own-produced agricultural products (except for excisable ones), sale of products of such processing.”.

Article 51. To establish that income from reducing the size of provisions (reserves) of a bank, except for a bank that is a national development institute, whose controlling stake belongs to a national managing holding, is recognized as an amount of the dynamic reserve indicated in accounting records as of December 31, 2017, earlier allocated to deductibles in previous taxable periods. The amount of the dynamic reserve, specified in this article, is included in the bank’s total annual income for a taxable period in 2018.

Article 52. To establish that lessors, who issued an invoice for the transfer of a leased asset in accordance with the tax legislation of the Republic of Kazakhstan in force until January 1, 2018, indicating the amount of turnover based on the total amount of lease payments under a financial lease agreement, on or before 30 January 2018, are obliged to issue an additional invoice indicating a negative value in the amount of turnovers to be recognized in taxable periods after December 31, 2017, specifying the VAT amount.

The provisions of this article are applied to financial lease agreements concluded before January 1, 2018, under which the turnover date is that before and (or) after January 1, 2018.

Article 53. To establish that under an investment strategic project, concluded with the authorized state body for investments before January 1, 2018 in accordance with the investment legislation of the Republic of Kazakhstan, tax preferences remain valid until their expiration date, which was determined in accordance with the legislation of the Republic of Kazakhstan in force until January 1, 2018.

Article 54. To establish that guarantees for stability of the tax legislation of the Republic of Kazakhstan for an investment priority project, concluded with the authorized state body for investments before January 1, 2018 in accordance with the legislation of the Republic of Kazakhstan on investments, are in force until their expiration date, determined in accordance with the legislation of the Republic of Kazakhstan in force until January 1, 2018.

Article 55. To establish that VAT taken as an offset for electrical and (or) heat energy, system services in accordance with the Law of the Republic of Kazakhstan “On Electric Power Industry”, purchased in December 2017, is accounted for in accordance with the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code), which was in force until January 1, 2018.

Article 55-1. To establish that under a long-term contract provided for in paragraph 1 of Article 282 of the Tax Code, according to which, during its validity period as of January 1, 2018, an excess of income for tax purposes was formed over the income determined in accordance with the international financial reporting standards and the requirements of the legislation of the Republic Kazakhstan on accounting and financial reporting, in 2018, the income is adjusted by its reduction in the amount of such an excess.

Footnote. The Law was supplemented with Article 55-1 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2018).

Article 56. To establish that under contracts concluded with the authorized state body for investments before January 1, 2009 in accordance with the legislation of the Republic of Kazakhstan on investments, investment tax preferences remain valid until their expiration date, determined in accordance with the legislation of the Republic of Kazakhstan in force until January 1, 2009.

Article 57. To establish that for the time period running from January 1, 2018 until July 1, 2018, for the purpose of Section 23 of the Tax Code, the definitions of the terms below shall be as follows:

hydrocarbons - oil;

oil - crude oil, gas condensate, natural gas and associated gas, as well as hydrocarbons after the refining of crude oil, natural gas and the treatment of combustible shale or tar sands;

raw gas - any hydrocarbons, regardless of their specific weight, extracted from the subsoil in a gaseous state at normal atmospheric temperature and pressure, including raw natural, associated, shale gas, methane from coal seams, as well as non-hydrocarbon gases in their composition.

Article 57-1. To establish that in case of the taxpayer's payment for arrears in his/her/its personal account as of October 1, 2018 within the time period running from October 1, 2018 until December 31, 2019, the amounts indicated below are not recognized as tax arrears and are not subject to payment to the budget, and are also to be written off in accordance with the procedure established by the authorized body:

1) the amount of a penalty in the taxpayer's personal account as of October 1, 2018, and also that accrued on the amount of the specified arrears for the period running from October 1, 2018 until the date of its payment, including the day of payment. In this case, the penalty is written off for the type of tax and another obligatory payment to the budget, for which the arrears were paid;

2) the amount of a fine imposed for tax offences in accordance with the Code of the Republic of Kazakhstan on Administrative Offences, which, as of October 1, 2018, is in the taxpayer's personal account for the type of tax and another obligatory payment to the budget, for which the arrears were paid.

The penalties and fines specified in this article are written off in cases of the taxpayer's early fulfillment of his/her/its tax obligation to pay a tax or another obligatory payment to the

budget in full, the deadline for which, as of 1 October 2018, was changed in accordance with the tax legislation of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy.

The provisions of this article do not apply to taxpayers that:

1) are subject to the monitoring of large taxpayers;

2) as of October 1, 2018, were engaged in one or more of the activities below:

subsoil use, except for subsoil users, who are recognized as such only because of the right to extract groundwater, therapeutic muds;

production of excisable products;

3) are individuals, except for tax arrears formed as a result of entrepreneurial activity, the activity of a private notary, a private law enforcement agent, a lawyer, a professional mediator.

Footnote. The Law is supplemented with Article 57-1 in accordance of Law of the Republic of Kazakhstan № 210-VI as of 28.12.2018 (to be enacted from 01.01.2019).

Article 57-2. To establish that the completion of tax audits scheduled before January 1, 2018 on fulfillment of the tax obligation to pay for emissions into the environment is carried out in accordance with the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code) dated December 10, 2008.

Footnote. The Law was supplemented with Article 57-2 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced from 01.01.2018).

Article 57-3. To establish that:

1) provided that a taxpayer - an individual pays by December 31, 2019, the amount of arrears formed on tax obligations for tax periods before January 1, 2019, with the exception of obligations to pay property tax and land tax for 2018, is not recognized as a tax debt, is not subject to entry into the budget, and is also subject to write-off in the manner determined by the authorized body, the amount of penalties in the taxpayer's personal account as of January 1, 2019, as well as the amount of penalties calculated on the amount of such arrears before the date of its payment, including the day of payment. In this case, the penalty is written off for the type of tax and other obligatory payment to the budget for which the arrears were paid.

The provisions of part one of this subparagraph do not apply to persons registered as an individual entrepreneur and persons engaged in private practice, except for the cases when the tax obligations of such persons are not related to the implementation of entrepreneurial activities, the activities of a private notary, a private bailiff, a lawyer or professional mediator;

2) it is not recognized as a tax debt and is not subject to payment to the budget, and is also subject to write-off in the manner determined by the authorized body, the amount of arrears on the personal account as of January 1, 2019 for more than fifteen years, as well as the amount of penalties accrued for the amount of the specified arrears before the date of its write-off.

The provisions of part one of this subparagraph apply to taxpayers - individuals who are not registered as an individual entrepreneur, a person engaged in private practice, for tax obligations related to the implementation of entrepreneurial activities, the activities of a private notary, a private bailiff, a lawyer, a professional mediator.

Footnote. The Law was supplemented with Article 57-3 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 № 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 57-4. To establish that for the period from January 1, 2020 to January 1, 2023, persons applying special tax regimes and recognized as subjects of micro-business or small business, including payers of a single land tax, reduce by 100 percent the payable:

- 1) amount of corporate (individual) income tax (except for withheld at the source of payment), calculated in accordance with Articles 686, 686-3, 687, 695, 700 of this Code;
- 2) amount of social tax calculated in accordance with Article 687 of this Code;
- 3) amount of a single land tax, calculated in accordance with Article 704 of this Code.

For the purposes of this article, small business entities (micro business entities) are taxpayers who meet the conditions established by paragraphs 2 and 3 of Article 24 of the Entrepreneurial Code of the Republic of Kazakhstan.

The provisions of part one of this article do not apply to taxpayers who carry out:

- 1) activities related to the circulation of narcotic drugs, psychotropic substances and precursors;
- 2) production and (or) wholesale of excisable products;
- 3) activities for the storage of grain at grain receiving points;
- 4) holding a lottery;
- 5) activities in the field of gambling business;
- 6) activities related to the circulation of radioactive materials;
- 7) banking activity (or certain types of banking operations) and activities in the insurance market (except for the activities of an insurance agent);
- 8) audit activity;
- 9) professional activity in the securities market;
- 10) activities of credit bureaus;
- 11) security activities;
- 12) activities related to the circulation of civilian and service weapons and ammunition for them;
- 13) activities in the field of subsoil use, including the activities of miners;
- 14) the sale of minerals, including the activities of traders, activities for the sale of coal, oil;
- 15) retail sale of certain types of petroleum products, gasoline, diesel fuel and fuel oil;
- 16) foreign economic activity;
- 17) the activities under the special retail tax regime.

Footnote. The Law was supplemented with Article 57-4 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2019 № 290-VI (shall be enforced from 01.01.2020); as amended by the laws of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021); dated 20.12.2021 № 85-VII (shall come into force from 01.01.2022).

Article 57-5. To establish that, subject to payment by an individual taxpayer before December 31, 2020, of the amount of arrears formed on property tax, land tax and vehicle tax for tax periods up to January 1, 2020, except for obligations to pay property tax and land tax for 2019, shall not be recognized as a tax debt, shall not be subject to payment to the budget, and shall also be subject to write-off in the manner determined by the authorized body, the amount of penalty interest accrued on the personal account of the taxpayer as of April 1, 2020, as well as the amount of penalty charge accrued on the amount of such arrears until the date of its payment, including the day of payment. In this case, the penalty shall be written off for the type of tax for which the arrears were paid,

The provisions of the first part of this article shall not apply to persons registered as an individual entrepreneur, and persons engaged in private practice, except in cases where the tax obligations of such persons are not related to the implementation of entrepreneurial activities, the activities of a private notary, a private enforcement agent, lawyer or professional mediator.

Footnote. The Law was amended with Article 57-5 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2020 № 354-VI (shall come into force from 01.07.2020).

Article 57-6. To establish that for the period from June 1 to December 31, 2020:

1) For the purposes of Article 434 of the Tax Code the amount of refund of excess value added tax under the simplified procedure is up to 80 percent for mining (except for hydrocarbons), mining and metallurgical and metallurgical enterprises included in the list of taxpayers, large taxpayers subject to monitoring, in accordance with paragraph 3 of Article 130 of the Tax Code for the period of the first, second and third quarters of 2020

2) the taxpayers specified in subparagraph 1) of this article shall have the right to an excess of the amounts of actually calculated corporate income tax for 2020 over the amount of calculated advance payments in the amount of no more than 33 percent;

3) import of aircraft spare parts (engines, power plants, heat exchangers, radio altimeters, radars, sensors, housings) shall be exempted from value added tax;

4) taxpayers engaged in the activities of air passenger transport shall be exempted from value added tax for a non-resident on royalties, maintenance and updating of software, services for the provision and processing of information, provision of access to an Internet resource;

5) a coefficient of 0 shall apply to the rates of land tax and payment for the use of land plots for land plots occupied by runways at aerodromes and airport terminals.

Footnote. The Law was amended with Article 57-6 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2020 № 354-VI (shall come into force from 01.06.2020).

Article 57-7. To establish that:

1) for the purposes of applying subparagraph 1) of part two of paragraph 4, of paragraph 7 of Article 666, of paragraph 3 of Article 667 of the Tax Code:

submission (including legalization) of a document confirming the residence of a non-resident for 2019 and 2020 shall be extended until December 31, 2021;

the deadline for submission by the tax agent of a copy of the document confirming the residence of a non-resident for 2019 and 2020 to the tax authority at its location shall be postponed to December 31, 2021;

2) for the period of the state of emergency in the territory of the Republic of Kazakhstan, taxpayers shall have the right to keep tax records on the basis of copies of primary documents (scanned copies), provided that the originals of primary documents are drawn up within seven months following the month in which the state of emergency was terminated in the territory of the Republic of Kazakhstan. At the same time, until the end of the seven-month period following the month in which the state of emergency in the territory of the Republic of Kazakhstan was terminated, copies of such primary documents shall be recognized as originals when conducting audits and other methods of control for tax periods in which the state of emergency has been in effect;

3) for the period of the state of emergency in the territory of the Republic of Kazakhstan, copies of primary documents (scanned copies) shall be recognized as accounting documentation provided that the originals of primary documents are issued within seven months following the month in which the state of emergency has been terminated in the territory of the Republic of Kazakhstan.

Footnote. The Law was amended with Article 57-7 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2020 № 354-VI (shall come into force from 01.07.2020); as amended by the Law of the Republic of Kazakhstan dated 24.06. 2021 № 53-VII (shall come into force from 01.01.2021).

Article 57-8. Establish that subsoil users under contracts for the combined exploration and production of hydrocarbons, provided for in paragraph 1 of Article 766 of the Tax Code and concluded in the period from January 1, 2018 before the entry into force of this article, shall have the right to send a notification on the application of an alternative procedure for fulfilling a tax obligation under special payments and taxes of subsoil users no later than 90 calendar days from the date of entry into force of this article.

Footnote. The Law was amended with Article 57-8 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

Article 57-9. To establish that:

The amount of arrears on collection from auctions, credited to the personal accounts of private enforcement agents as of the date of entry into force of this rule or calculated (accrued

) to January 1, 2023, as well as the amount of interest accrued on the amount of such arrears, shall not be recognized as a tax debt, shall not be subject to payment to the budget, and as well as shall be subject to write-off in the manner determined by the authorized body. Recalculation and return of the amounts of collection from auctions paid by private enforcement agents shall not be carried out.

Footnote. The Law was amended with Article 57-9 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2020 № 382-VI (shall come into force from 01.01.2021).

Article 57-10. To establish that comprehensive tax audits scheduled to January 1, 2022 shall be completed without including the issue of fulfillment of the tax obligation for payment for emissions into the environment.

Footnote. The Law was amended with Article 57-10 in accordance with the Law of the Republic of Kazakhstan dated 20.12.2021 № 85-VII (shall come into force from 01.01.2022).

Article 57-11. It shall be decided that until January 1, 2028, with regard to the N3 category vehicles (semitrailer tractors) under 7 years of age, including the year of manufacture, to be registered by the payers holding the international road haulage permit, the rates of the fee for the first state registration of motor vehicles, set out in paragraph 4 of Article 553 of the Tax Code, shall not apply.

Footnote. The Law as supplemented by Article 57-11 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall be enacted on 01.01.2023).

Article 57-12. It shall be established that for the period from January 1, 2019 up to January 1, 2021 the copies of shipping documents may be used to prove the export to the territory of the state, being not a member of the Eurasian Economic Union, of the products of processing of goods made on commission, earlier exported from the territory of the Republic of Kazakhstan for processing to the territory of another member-state of the Eurasian Economic Union.

Footnote. The Law as supplemented by Article 57-12 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall be in force on 01.01.2023).

Article 57-13. It shall be stipulated that from January 1, 2018 to December 31, 2020 the amount of turnover when the lottery operator sells lottery tickets, receipts or other documents shall be defined as the positive difference between the cost of lottery tickets, receipts and other documents sold and the winnings paid to lottery participants, as well as unclaimed winnings to be credited to the budget as a non-taxable payment.

Footnote. The Law as supplemented by Article 57-13 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall come into force on 01.01.2023).

Article 57-14. It shall be determined that special risk-based tax audits appointed prior to January 1, 2023, shall be completed within the time limits prescribed by the Tax Code.

Footnote. The Law as supplemented by Article 57-14 under Law of the Republic of Kazakhstan № 165-VII of 21.12.2022 (shall become effective on 01.01.2023).

Article 57-15. In Article 550:

1) suspend from April 1, 2023, to December 31, 2023, the effect of paragraph 1, establishing that during the period of suspension this paragraph shall be valid in the following wording:

"1. Fees are one-time payments to the budget, which shall be levied by tax authorities, local executive bodies and other authorized government bodies when making:

1) registration actions;

2) actions to issue permits or their duplicates, except for permits issued to digital miners.

In this case, for the purposes of this chapter, permitting documents also means consent issued by the authorized body for regulation, control and supervision of the financial market and financial organizations, and a document confirming the residence of a foreigner or stateless person who is an investment resident of the Astana International Financial Center, issued tax authorities in the manner and cases established by the legislation of the Republic of Kazakhstan, not related to permits";

2) supplement for the period from April 1, 2023 to December 31, 2023, with paragraph 3-1 as follows:

"3-1. Notwithstanding the provisions of paragraphs 1 and 3 of this Article, the fee for issuing licenses to carry out digital mining activities issued from April 1, 2023, to December 31, 2023, shall be paid in the amount provided for in paragraph 4 of Article 554 of this Code until February 15 of the year following per year of obtaining a license.

The fee rate shall be determined in an amount that is a multiple of the monthly calculation indicator established by the law on the republican budget and valid on the date of payment of the license fee".

Footnote. The law is supplemented by Article 57-15 in accordance with the Law of the Republic of Kazakhstan dated 06.02.2023 № 196-VII (shall come into effect from 01.04.2023).

Article 57-15. Suspend from January 1, 2023, until May 1, 2023, the effect of subparagraph 3) of paragraph 8 of Article 679 of the Tax Code, establishing that during the period of suspension this subparagraph is valid in the following wording:

"3) in other cases – the 1st day of the month following the month in which the notice of the applicable taxation regime is submitted, unless otherwise established by paragraph 8-1 of this article".

Footnote. The law is supplemented by Article 57-15 in accordance with the Law of the Republic of Kazakhstan dated 20.03.2023 № 213-VII (shall come into effect from 01.01.2023).

Article 57-16. Suspend from April 1, 2023, until December 31, 2023, the effect of paragraph 1 of Article 552 of the Tax Code, establishing that during the period of suspension this paragraph shall be valid in the following wording:

"1. The amounts of fees shall be calculated at established rates and paid at the location of the payer of the fees before submitting the relevant documents to the authorized state body,

local executive body and authorized organization in the field of civil aviation or before receiving permits, except for the cases provided for in paragraph 3-1 of Article 550 of this Code".

Footnote. The law is supplemented by Article 57-16 in accordance with the Law of the Republic of Kazakhstan dated 06.02.2023 № 196-VII (shall come into effect from 01.04.2023).

Article 57-16. For the period from January 1, 2023 to May 1, 2023, supplement Article 679 of the Tax Code with paragraph 8-1 as follows:

"8-1. Taxpayers who are not payers of value-added tax and who have submitted a notice of the applicable tax regime before May 1, 2023, shall have the right to apply a special tax regime for retail tax from January 1, 2023.

Taxpayers who are payers of value-added tax and who have submitted a notice of the applied taxation regime before May 1, 2023, shall have the right to apply a special tax regime for retail tax from the date of filing the notice of the applied taxation regime".

Footnote. The law is supplemented by Article 57-16 in accordance with the Law of the Republic of Kazakhstan dated 20.03.2023 № 213-VII (shall come into effect from 01.01.2023).

Article 57-17. To suspend from January 1, 2023, until March 31, 2024, the effect of subparagraph three of paragraph 5 of Article 696-3 of the Tax Code, establishing that during the period of suspension this paragraph shall be valid in the following wording:

1) from January 1, 2023 to January 1, 2024:

“Such a decision to reduce the rate shall be made by the local representative body no later than July 1 of the current year, comes into force on January 1 of the year of its adoption and shall be subject to official publication.”;

2) from January 1, 2024 to March 31, 2024:

“Such a decision to reduce the rate shall be made by the local representative body no later than March 31 of the current year, comes into force on January 1 of the year of its adoption, and shall be subject to official publication.”

Footnote. The law is supplemented by Article 57-17 in accordance with the Law of the Republic of Kazakhstan dated 20.03.2023 № 213-VII (shall come into effect from 01.01.2023); is in the wording of the Law of the Republic of Kazakhstan dated 12.12.2023 № 45-VIII (shall be enforced from 01.01.2023).

Article 57-18. Suspend from March 1, 2024 until January 1, 2025 the effect of paragraph 2 of Article 3 of the Tax Code, establishing that during the period of suspension this paragraph is valid in the following wording:

"2. Laws of the Republic of Kazakhstan introducing changes and additions to this Code in terms of establishing a new tax and (or) payment to the budget, increasing the rate, changing the object of taxation and (or) the tax base, increasing the categories of taxpayers (tax agents), canceling or reducing deductions or benefits for paying taxes and payments to the budget can

be adopted no later than July 1 of the current year and put into effect no earlier than January 1 of the year following the year of their adoption.

At that, this paragraph does not apply to cases of making changes and additions to articles of this Code related to the taxation of remuneration on securities, including government issued securities.”

Footnote. The law is supplemented by Article 57-18 in accordance with the Law of the Republic of Kazakhstan dated 12.12.2023 № 45-VIII (shall be enforced from 01.03.2024).

Article 57-19. Establish that from January 1, 2025 to January 1, 2026, line 1 of the table of part one of paragraph 1 of Article 746 of the Tax Code shall be effective as follows:

1.	Ores of ferrous, non-ferrous and radioactive metals	Chrome ore (concentrate)	21,06 %
		Manganese, iron-manganese ore (concentrate)	3,25 %
		Iron ore (concentrate)	3,64 %
		Uranium (extracted from productive solutions, shaft method)	9 %

Footnote. The law is supplemented by Article 57-19 in accordance with the Law of the Republic of Kazakhstan dated 01.07.2024 №. 105-VIII (comes into force on 01.01.2025).

Article 58. To invalidate the below indicated legislative acts of the Republic of Kazakhstan on the day of enactment of the Tax Code:

1) the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code) as of December 10, 2008 (Vedomosti of the Parliament of the Republic of Kazakhstan in 2008 № 22-I, 22-II, Art.112; in 2009 № 2-3, Art.16, 18; № 13-14, Art.63; № 15-16, Art.74; № 17, Art.82; № 18, Art.84; № 23, Art.100; № 24, Art.134; in 2010 № 1-2, Art.5; № 5, Art.23; № 7, Art.28, 29; № 11, Art.58; № 15, Art.71; № 17-18, Art.112; № 22, Art.130, 132; № 24, Art.145,146, 149; in 2011 № 1, Art.2, 3; № 2, Art.21, 25; № 4, Art.37; № 6, Art.50; № 11, Art.102; № 12, Art.111; № 13, Art.116; № 14, Art.117; № 15, Art.120; № 16, Art.128; № 20, Art.151; № 21, Art.161; № 24, Art.196; in 2012 № 1, Art.5; № 2, Art.11, 15; № 3, Art.21, 22, 25, 27; № 4, Art.32; № 5, Art.35; № 6, Art.43, 44; № 8, Art.64; № 10, Art.77; № 11, Art.80; № 13, Art.91; № 14, Art.92; № 15, Art.97; № 20, Art.121; № 21-22, Art.124; № 23-24, Art.125; in 2013 № 1, Art.3; № 2, Art.7, 10; № 3, Art.15; № 4, Art.21; № 8, Art.50; № 9, Art.51; № 10-11, Art.56; № 12, Art.57; № 14, Art.72; № 15, Art.76, 81, 82; № 16, Art.83; № 21-22, Art.114, 115; № 23-24, Art.116; in 2014 № 1, Art.9; № 4-5, Art.24; № 7, Art.37; № 8, Art.44, 49; № 10, Art.52; № 11, Art.63, 64, 65, 69; № 12, Art.82; № 14, Art.84; № 16, Art.90; № 19-I, 19-II, Art.96; № 21, Art.122; № 22, Art.128, 131; № 23, Art.143; № 24, Art.145; in 2015 № 7, Art.34; № 8, Art.44, 45; № 11, Art.52; № 14, Art.72; № 15, Art.78; № 19-I, ст.99, 100, 101; № 20-I, Art.110; № 20-IV, Art.113; № 20-VII

, Art.115, 119; № 21-I, Art.124; № 21-II, Art.130; № 21-III, Art.136, 137; № 22-I, Art.140, 143; № 22-II, Art.144, 145; № 22-III, Art.149; № 22-V, Art.156, 158; № 22-VI, Art.159; № 22-VII, Art.161; № 23-I, Art.169; in 2016 № 1, Art.4; № 6, Art.45; № 7-II, Art.53, 55, 57; № 8-I, Art.62; № 8-II, Art.66, 72; № 12, Art.87; № 22, Art.116; № 24, Art.124; in 2017 № 4, Art.7; № 9, Art.22; № 10, Art.23; № 12, Art.34; № 13, Art.45; № 14, Art.49, 53, 54; № 15, Art.55; № 16, Art.56), except for:

Articles 317 – 324, which are in force until December 31, 2018;

item four of subparagraph 22) of paragraph 1 of Article 20, subparagraph 4) of paragraph 4 of Article 571, subparagraph 1) of paragraph 5 of Article 573, item eight of subparagraph 2) of paragraph 5, item twenty of part one of subparagraph 2) of paragraph 9 of Article 627, subparagraph 4) of part two of paragraph 9 of Article 638, which are in force until December 31, 2022;

paragraph 8 of Article 46, subparagraph 9) of paragraph 5 of Article 193, Articles 216, 217, 218, 219, paragraph 4 of Article 610, items thirteen and seventeen of subparagraph 2) of part one of paragraph 5, items eighteen, twenty-three of subparagraph 2) of part one of paragraph 9 of Article 627, subparagraph 4-1) of part one of paragraph 5 Article 629, Article 635-1 – with regard to an agreement on the escrow bank deposit of a non-resident registered with a tax authority before December 31, 2017, which are in force until December 31, 2022;

2) the Law of the Republic of Kazakhstan “On the Enactment of the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code)” as of December 10, 2008 (Vedomosti of the Parliament of the Republic of Kazakhstan in 2008 № 23, Art.113; in 2009 № 13-14, Art.63; № 18, Art.84; № 23, Art.100; № 24, Art.134; in 2010 № 5, Art.23; № 11, Art.58; № 15, Art.71; № 17-18, Art.101; № 22, Art.132; in 2011 № 11, Art.102; № 14, Art.117; № 15, Art.120; № 24, Art.196; in 2012 № 2, Art.11, 14; № 6, Art.43 ; № 11, Art.80; № 14, Art.94; № 20, Art.121; № 21-22, Art.124; № 23-24, Art.125; in 2013 № 21-22, Art.115; in 2014 № 7, Art.37; № 11, Art.63; № 19-I, 19-II, Art.96; № 22, Art.131; № 23, Art.143; in 2015 № 23-I, Art.169; in 2016 № 22, Art.116; in 2017 № 4, Art.7; № 9, Art.21).

*President of
the Republic of Kazakhstan*

N. NAZARBAYEV