



On approval of the Rules for the maintenance and use of the register of entrepreneurs

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated December 28, 2015 № 1091. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 24.10.2024 № 886.

Unofficial translation

Footnote. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 24.10.2024 № 886 (effective after ten calendar days after the date of its first official publication).

In accordance with subparagraph 1) of paragraph 1 of article 84 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015, the Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached Rules for the maintenance and use of the register of entrepreneurs.

2. To recognize invalid the decree of the Government of the Republic of Kazakhstan dated May 20, 2014 № 511 “On approval of the Rules for the maintenance and use of the register of entrepreneurs” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2014, № 34, art. 325).

3. This decree shall take effect from January 1, 2016 and shall be subject to official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by decree of the Government
of the Republic of Kazakhstan
dated December 28, 2015 № 1091

Rules for the maintenance and use of the register of entrepreneurs 1. Общие положения

1. These Rules for the maintenance and use of the register of entrepreneurs (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 1) of paragraph 1 of article 84 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015 (hereinafter referred to as the Code) and shall determine the procedure for the maintenance and use of the register of entrepreneurs.

2. The following main definitions shall be used in these Rules:

1) business identification number (BIN) – a unique number generated for a legal entity and an individual carrying out the activities in kind of joint entrepreneurship;

2) register – register of entrepreneurs is an electronic database containing information about categories of entrepreneurs;

3) individual identification number (IIN) – a unique number generated for an individual, including for an individual entrepreneur carrying out activities in kind of individual entrepreneurship;

4) information system “Legal Entities” State Database” (LESD) – the national register of business identification numbers, information system, designated for registration and storage of information about legal entities, created and terminated activities (branches and representative offices) individual entrepreneurs, carrying out activities in kind of joint entrepreneurship, generation and storage of information about assigned business identification numbers;

5) electronic digital signature (EDS) – a set of electronic digital symbols created by means of electronic digital signature and confirming the authenticity of the electronic document, its belonging and invariance of the content;

6) national Certification Authority of the Republic of Kazakhstan (NCA) – the certification center servicing the participants of “e-government” of state and non-state information systems, certifying compliance of an open key of an electronic digital signature with the closed key of an electronic digital signature, as well as confirming the , authenticity of the registration certificate, issued for individuals and legal entities;

7) state electronic register of permissions and notifications – a component of state information system of permissions and notifications, containing the information about issued, re-registered, suspended, cancelled, extended, renewed and terminated permissions and their duplicates, as well as about notifications received;

8) “e-government” gateway (EGG) – information system designated for integration of information systems of “e-government” within the framework of implementation of electronic services;

9) uniform transportation system of state bodies (UTS of SB) – A telecommunications network located in the territory of the Republic of Kazakhstan, consisting of an interdepartmental information and communication network, designed to implement managerial and organizational goals and interact with each other of local governments, state bodies, including their territorial divisions and subordinate organizations, as well as ensure interaction electronic information resources and information systems of "e-government".

3. The category of business entities shall be determined in accordance with the criteria and their threshold values specified in Article 24 of the Code, as well as the Rules for calculation of the average annual number of employees and average annual income of business entities, approved by the authorized entrepreneurship body.

Footnote. Paragraph 3 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 17.07.2023 № 601 (enacted ten calendar days after the date of its first official publication).

4. Data on business entities shall be processed by the registry in an automated mode and updated annually by December 15.

2. The maintenance of the register

5. Initially, the generation of the register shall be carried out by the authorized body for entrepreneurship based on information, received through information interaction:

1) State Revenue Committee of the Ministry of Finance of the Republic of Kazakhstan (hereinafter referred to as the SRC) shall provide the following information - about registered entrepreneurs:

BIN of the entrepreneur; IIN of the entrepreneur;

Data on income of the entrepreneur for the last three years in accordance with paragraph 6 of these Rules;

Data on the number of employees of entrepreneurs for the last year in accordance with paragraph 6 of these Rules;

2) the authorized state body for informatization shall ensure the operation of the state electronic register of permits and notifications to obtain information about licenses for the following types of activities:

activities related to the trafficking of narcotic drugs, psychotropic substances and precursors;

production and (or) wholesale sale of excisable products;

grain storage activities at grain collection points;

holding a lottery;

activities in gambling business;

activities related to the circulation of radioactive materials;

banking activities (or certain types of banking operations) and activities in the insurance market (except for the activities of an insurance agent);

auditing activities;

professional activity in the securities market;

activities of credit bureaus;

security activities;

activities related to the circulation of civilian, service weapons and ammunition for them;

digital mining activities of subtype I;

3) the authorized body in the sphere of state registration of legal entities shall provide information in accordance with the procedure, established by paragraphs 11 to 15 of these Rules, about all registered and liquidated entrepreneurs, in particular:

BIN of a legal entity;
Name of a legal entity;
organizational and legal form of legal entity.

Footnote. Paragraph 5 as amended by decree of the Government of the Republic of Kazakhstan dated August 11, 2016 № 455 (takes effect upon expiry of ten calendar days from the date of its first official publication); dated 17.07.2023 № 601 (enacted ten calendar days after the date of its first official publication).

6. For the subsequent maintenance of the register, the SRC shall annually, within the period until November 15 shall submit to the authorized body for entrepreneurship the following information:

- 1) data on the amount of total annual income for the previous calendar year (including for entities operating under special tax regimes);
- 2) data on the number of employees for the previous calendar year.

The specified information shall be generated on the basis of tax reporting data submitted by entrepreneurs to the tax authorities in accordance with tax legislation.

7. Amendments to the register shall be made in the following cases:

- 1) satisfaction in accordance with paragraph 9 of these Rules of the request of an entrepreneur on changing the category due to a mistake in the information of the SRC.

In addition, the mistake in the information shall be the submission by the SRC of information to the authorized body for entrepreneurship, not complying with the data of tax reporting, submitted by the tax payer before sending it. Changing information about taxpayers in connection with submission by them of additional tax declarations after November 15 of the corresponding year shall not be a mistake;

- 2) request of the SRC on amending the data specified in paragraph 6 of these Rules , by results of tax inspections, with which the taxpayers have agreed or correctness of which have been confirmed by the court.

8. The category of the entrepreneur shall be revised within the time limits established by paragraph 4 of these Rules, and shall not be subject to amendment except for cases, stipulated by paragraph 7 of these Rules.

9. Making amendments in accordance with paragraph 7 of these Rules shall be made in accordance with the following procedure:

- 1) entrepreneurs shall initiate before the authorized body for entrepreneurship the issue on improper determination of their category in writing with the obligatory attachment of copies of supporting documents;

- 2) the authorized body for entrepreneurship within two working days shall send the data of the request for consideration to the SRC;

- 3) SRC shall consider the data of the request on the subject of validity and shall submit the corresponding response to the authorized body for entrepreneurship within ten working days;

4) The authorized body for entrepreneurship:

in case of receiving a response on the validity of the request of the entrepreneur, within three working days, shall make the appropriate changes to the registry and shall recalculate the category;

in case of receiving a response on the groundlessness of the request of an entrepreneur, shall refuse to amend the registry

in case of receiving a response from SRC that the mistake was made by the business entity itself when submitting tax reports to the tax authorities, shall make changes to the register in accordance with paragraph 4 of these Rules.

10. The authorized body for entrepreneurship shall inform the entrepreneur on results of consideration of the request.

The total period for consideration of requests of business entities shall be 15 working days from the date of registration of the request in the authorized body for entrepreneurship.

11. Information interaction shall be carried out at the cross-server republican level through EGG on the basis of technical requirements approved by the responsible heads of the state body agreed with the authorized body in the field of informatization.

12. The information exchange shall be carried out by means of electronic messages in a request-response mode using EDS issued by the NCA.

13. The types and composition of the fields of electronic messages shall be approved by the participants of information exchange in technical requirements.

14. Information exchange participants shall provide access to interaction services 24 hours a day, with the exception of technological interruptions in the operation of information systems.

15. Information protection during information exchange should be ensured both through using a secure UTS of SB, as well as confirmation of authorship (application of EDS), signed XML messages, as well as technical and organizational measures.

3. Using the register

16. The register is the main source of data on the categories of entrepreneurs for any concerned persons, including state bodies.

17. The following information about every entrepreneur shall be available in the register for the concerned persons:

1) about legal entities:

BIN;

name;

organizational-legal form; category (large, medium, small, including micro-entrepreneurship);

type of activity in accordance with subparagraph 2) of paragraph 5 of these Rules;

2) on individual entrepreneurs:

IIN;

surname, first name and patronymic (if any) and (or) name of an individual entrepreneur;

presence or absence of joint venture status;

category (large, medium, small, including microentrepreneurship);

type of activity in accordance with subparagraph 2) of paragraph 5 of these Rules.

Footnote. Paragraph 17 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 17.07.2023 № 601 (enacted ten calendar days after the date of its first official publication).

18. Business entities shall be searched in the register by:

1) BIN or IIN;

2) name and organizational-legal form of a legal entity;

3) surname, first name and patronymic (if any) and (or) name of the individual entrepreneur.

Footnote. Paragraph 18 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 17.07.2023 № 601 (enacted ten calendar days after the date of its first official publication).

19. The information on the category of a business entity shall be provided to the concerned parties, including state bodies in the form of an electronic document certified by EDS, for use in work.