



On approval of Rules and criteria for determining regional operators of distribution of oil products on which state price regulation is established

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated August 31, 2016 No. 500. Abolished by the Decree of the Government of the Republic of Kazakhstan dated December 22, 2020 No. 875

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated December 22, 2020 No. 875 (it is put into effect after ten calendar days after the date of its first official publication).

In accordance with subparagraph 12-6) of article 6 of the Law of the Republic of Kazakhstan dated July 20, 2011 “On State Regulation of Manufacturing and Turnover of Specific Types of Oil Products”, the Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Rules and criteria for determining regional operators of distribution of oil products on which state price regulation is established.
2. This resolution shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by Order No. 500
of the Government of the
Republic of Kazakhstan
dated August 31, 2016

Rules and criteria for determining regional operators of distribution of oil products on which state price regulation is established

Chapter 1. General provisions

1. These Rules and criteria for determining regional operators of distribution of oil products on which state regulation of prices is established (hereinafter - the Rules) are developed in accordance with subparagraph 12-6) of article 6 of the Law of the Republic of Kazakhstan dated July 20, 2011 “On State Regulation of Manufacturing

and Turnover of Specific Types of Oil Products” and establish the procedure and criteria for determining regional operators of distribution of petroleum products on which state price regulation is established.

Chapter 2. Rules of determining regional operators of distribution of oil products on which state price regulation is established

2. To determine the regional operators of distribution of petroleum products on which state price regulation is established, commissions (hereinafter - the Commission) are formed with the local executive bodies of the oblasts, the city of republican status and the capital (hereinafter - the local executive body).

3. The Commission shall be comprised of the chairman, deputy chairman, members of the Commission and the secretary. The Secretary of the Commission shall not be its member.

4. The commission shall be headed by an official ranked no lower than the deputy akim of the oblast, the city of republican status, and the capital.

5. The Commission membership shall be approved by the akim of the oblast, city of republican status, the capital.

6. The Commission shall include members of public organizations, local community councils and the oblast chamber of entrepreneurs constituting at least two-thirds of the total number of the Commission members.

7. Members of the Commission shall take part in its work without the right of substitution.

8. The Chairman of the Commission shall manage its activities, chair the meetings of the Commission and plan its work, exercise general control over the follow-up of its decisions.

In the absence of the Commission chairman, his functions shall be performed by the deputy.

9. Meetings of the Commission are convened by its chairman as necessary.

10. Meetings of the Commission shall be deemed duly constituted with more than half of the total number of the Commission members attending.

11. Decisions of the Commission shall be adopted in the open vote by the majority of the total number of the Commission members present at its meeting.

Members of the Commission shall have equal votes in decision-making. In the event of a tie, the decision shall be deemed adopted by the Chairman of the Commission.

12. Information on the receipt of applications for determining regional operators of distribution of petroleum products on which state regulation of prices is established,

indicating the necessary documents, the timing of the filing, and also the date of the Commission meeting shall be posted on the Internet resource of the local executive body twenty calendar days before the date of the Commission meeting.

13. Applications from interested parties shall be submitted to the local executive body five calendar days before the date of the Commission meeting.

14. The applicant shall submit the following documents:

1) an application for participation in any form;

2) a copy of the certificate * or a certificate of state registration (re-registration) of a legal entity or a copy of the certificate of state registration of an individual entrepreneur;

(* note: certificate of state registration (re-registration) of a legal entity issued before the Law of the Republic of Kazakhstan dated December 24, 2012 “On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on State Registration of Legal Entities and Registration of Branches and Representative Offices”, is valid until the termination of the legal entity’s activity);

3) a copy of the charter and / or constituent documents;

4) extract from the register of wholesale suppliers of petroleum products on the start of activities issued by an authorized body in petroleum products manufacturing;

5) documents confirming the ownership right and (or) the lease right of the applicant to gasoline filling station and oil depots;

6) copies of signed agreements with transport enterprises or documents confirming availability of transport;

7) copies of registration cards for taxable items accounting on certain types of activities on each gasoline filling station and petroleum products depot.

15. In case of submission of an incomplete package of documents referred to in paragraph 14 of these Rules, the application shall not be accepted by the local executive body.

16. The Commission shall consider the documents referred to in paragraph 14 of these Rules, taking into account the criteria provided for in paragraph 21 of these Rules, within no more than ten business days.

17. Decisions of the Commission shall be drawn up in the form of the minutes, signed by the chairman, deputy, secretary, members of the Commission present.

18. The minutes of the Commission shall be directed to the local executive body within one business day from the day of the Commission meeting.

19. Within ten business days, the local executive body shall issue an appropriate resolution on determining regional operators of distribution of oil products on which state price regulation is established.

20. The minutes of the Commission and the resolution of the local executive body shall be posted on the Internet resource of the local executive body within two business days from the date of their adoption.

Chapter 3. Criteria for determining regional operators of distribution of oil products on which state price regulation is established

21. The criteria for determining regional operators of distribution of petroleum products on which state price regulation is established shall be:

- 1) registration of the applicant as a legal entity or individual entrepreneur;
- 2) applicant's possession for at least three years in lease or on the right of ownership of one petroleum products base with a storage capacity starting from a thousand tons or more (with submission of a registration card for certain types of activities);
- 3) absence of tax arrears;
- 4) availability of signed agreements with transport enterprises or of vehicles in the ownership, providing freight carriage in the territory of the Republic of Kazakhstan.

22. Non-compliance of the interested person with the criteria for determining regional operators established by paragraph 21 of these Rules shall be the ground for refusing to accept an application from an interested person.

Decisions of the local executive body may be appealed and challenged in the manner and on the grounds provided for by the legislation of the Republic of Kazakhstan.