

On approval of the Rules for the provision of state financial support to the accounting and financial centre for the support of renewable energy sources

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated May 20, 2021 No. 332.

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In accordance with subparagraph 8-2) of Article 5 of the Law of the Republic of Kazakhstan dated July 4, 2009 " On Support of the Use of Renewable Energy Sources", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To approve the attached Rules for the provision of state financial support to the accounting and financial centre for the support of renewable energy sources.

2. This Resolution shall enter into force upon expiry of ten calendar days after the day of its first official publication.

*Prime-Minister
Of the Republic of Kazakhstan*

A. Mamin

Approved
by the Resolution
of the Government of the
Republic of Kazakhstan
dated May 20, 2021 No. 332

Rules for the provision of state financial support to the accounting and financial centre for the support of renewable energy sources

Chapter 1. General provisions

1. These Rules for the provision of state financial support to the accounting and financial centre for the support of renewable energy sources (hereinafter- the Rules) have been developed in accordance with subparagraph 8-2) of Article 5 of the Law of the Republic of Kazakhstan “On Support of the Use of Renewable Energy Sources” (hereinafter- the Law) and shall determine the procedure for the provision of state financial support to the accounting and financial centre for the support of renewable energy sources by the Government of the Republic of Kazakhstan.

2. The following basic concepts are used in these Rules:

1) accounting and financial centre for the support of renewable energy sources (hereinafter- the accounting and financial centre) - a legal entity created by the system operator and determined by the authorized body, carrying out, in the manner prescribed by the Law, the centralized purchase and sale of electric energy, produced by facilities for the use of renewable energy sources, facilities for energy waste disposal, and flood electric energy

supplied to the electric networks of the unified electric power system of the Republic of Kazakhstan;

2) state financial support - support from the Government of the Republic of Kazakhstan in the event that the accounting and financial centre cannot fulfill its obligations to energy-producing organizations using renewable energy sources, due to insufficient income from the sale of electric energy, generated by the facilities for the use of renewable energy sources;

3) a reserve fund - a fund formed by the accounting and financial centre, the money of which is kept in a special bank account and used only to cover cash gaps and debts of the accounting and financial centre to energy-producing organizations using renewable energy sources arising from non-payment or delay in payment by conditional consumers for the electricity supplied to them, produced by the facilities for the use of renewable energy sources ;

4) an authorized body - the central executive body, carrying out management and intersectoral coordination in the field of support for the use of renewable energy sources.

Chapter 2. The procedure for providing state financial support

3. The budget application, calculations, justifications, socio-economic effect and other required budget planning documents shall be formed and submitted by the administrator of the budget program in the manner prescribed by the budget legislation of the Republic of Kazakhstan.

An administrator of the budget program shall ensure the relationship of the indicators of the specified budget program with the target indicators of the strategic plan of the authorized body.

4. In the event that the funds in the reserve fund and the income of the accounting and financial centre from the sale of electric energy are not enough to fulfill the financial obligations of the accounting and financial centre to energy producing organizations using renewable energy sources (hereinafter- RES), the Government of the Republic of Kazakhstan shall provide state financial support to the accounting and financial centre.

At the same time, the accounting and financial centre shall apply for state financial support to the authorized body as the administrator of the budget program.

5. State financial support from the republican budget of the Republic of Kazakhstan shall be carried out by directing funds to the reserve fund to cover the obligations of the accounting and financial centre to energy-producing organizations using renewable energy sources.

6. State financial support of the accounting and financial centre shall be carried out only in the event of simultaneous occurrence of the following cases:

1) actual arrears in the amount of at least the maximum three-month value of the obligations of the accounting and financial centre for the previous year to energy-producing organizations using renewable energy sources;

2) lack of funds in the reserve fund to cover debts to energy producing organizations using renewable energy sources, confirmed by documents and information in accordance with paragraph 7 of these Rules;

3) impossibility of execution by conditional consumers and qualified conditional consumers of the judicial decision (s) on debt collection within a period of more than 6 (six) months from the date of initiation of enforcement proceedings, after all necessary and comprehensive measures have been taken to enforce the judicial decisions provided for by the Law of the Republic of Kazakhstan dated April 2, 2010 "On Enforcement Proceedings and the Status of Bailiffs".

The term of enforcement proceedings does not include the time during which the execution of enforcement documents was suspended, delayed or extended on the grounds provided for by the Law of the Republic of Kazakhstan dated April 2, 2010 "On Enforcement Proceedings and the Status of Bailiffs".

7. In order to receive state financial support, the accounting and financial centre shall send to the administrator of the budget program an appeal and the following documents and information confirming the lack of funds to pay obligations to energy producing organizations using renewable energy sources, substantiating the amount of necessary state financial support:

1) copies of contracts for the sale by the accounting and financial centre to conditional consumers of electric energy produced by renewable energy facilities, for which non-payment or delay in payment has occurred on the part of conditional consumers and qualified conditional consumers for the electric energy supplied to them;

2) copies of acts of volume reconciliation, invoices under the contracts specified in subparagraph 1) of this paragraph;

3) acts of reconciliation of mutual settlements for the sale of electric energy under the contracts specified in subparagraph 1) of this paragraph as of the date not earlier than 3 (three) working days before the date of submission of the application of the accounting and financial centre to the administrator of the budget program to receive state financial support for the current financial year;

4) decryption of accounts receivable under the contracts specified in subparagraph 1) of this paragraph as of the date not earlier than 3 (three) working days before the date of submission of the application of the accounting and financial centre to the administrator of the budget program to receive state financial support;

5) bank statements reflecting the state of the accounts of the accounting and financial centre as of the date no earlier than 2 (two) working days before the date of submission of the application of the accounting and financial centre to the administrator of the budget program to receive state financial support;

6) court decisions on debt collection, as well as executive documents confirming the impossibility of execution by conditional consumers and qualified conditional consumers of a

court decision (s) on debt collection within the period specified in subparagraph 3) of paragraph 6 of these Rules.

8. The accounting and financial centre shall ensure the correctness, reliability of documents and information submitted to the administrator of the budget program in order to receive state financial support.

9. The administrator of the budget program shall consider the appeal and the submitted documents within a period of not more than 10 (ten) working days from the date of their receipt. If the accounting and financial centre fails to submit the documents provided for in paragraph 7 of these Rules in full, the administrator of the budget program shall send a reasoned refusal to the accounting and financial centre indicating the reasons for the refusal within 5 (five) working days from the date of their receipt. The accounting and financial centre, within 5 (five) working days from the date of the reasoned refusal shall send the missing documents and/or eliminate the comments of the administrator of the budget program in order to bring the submitted documents and information in accordance with the requirements of these Rules.

10. The administrator of the budget program on the basis of the documents and information received from the accounting and financial centre shall:

- 1) determine the amount of state financial support;
- 2) include expenses on payment of state financial support in the budget application for the relevant financial year in the manner prescribed by the budgetary legislation of the Republic of Kazakhstan;
- 3) inform the accounting and financial centre about the amount of allocated state financial support.

11. The accounting financial centre, in accordance with paragraph 5 of Article 7-1 of the Law shall conduct an audit of the annual financial statements in accordance with the Law of the Republic of Kazakhstan dated November 20, 1998 "On Audit Activity" and submit its results to the authorized body.

12. State financial support received by the accounting and financial centre shall be credited to a special account of the reserve fund of the accounting and financial centre and used only to cover the debt of the accounting and financial centre to energy-producing organizations using RES, arising from the impossibility of payment by conditional consumers and qualified conditional consumers for the electric energy supplied to them, produced by facilities for the use of renewable energy sources.

13. Funds received as a result of state financial support and used by the accounting and financial centre to cover obligations to energy producing organizations using renewable energy sources shall be credited in accordance with paragraph 12 of these Rules and shall be taken into account when calculating the size of the reserve fund in accordance with the Rules

for the formation and use of the reserve fund, approved by the order of the acting Minister of Energy of the Republic of Kazakhstan dated July 29, 2016 No. 361 (registered in the Register of state registration of regulatory legal acts No. 14210).

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