



On approval of the Rules and features of crediting, accounting and use of benefits and social payments at the expense of the state budget and (or) funds of the State social insurance fund transferred in the form of electronic money, as well as monitoring the use of targeted social assistance

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated September 8, 2021 No. 619

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In accordance with paragraph 6-1 of Article 42 of the Law of the Republic of Kazakhstan dated July 26, 2016 "On Payments and Payment Systems", the Government of the Republic of Kazakhstan **HEREBY RESOLVES:**

1. To approve the attached Rules and features of crediting, accounting and use of benefits and social payments from the state budget and (or) funds of the State Social Insurance Fund transferred in the form of electronic money, as well as monitoring the use of targeted social assistance (hereinafter-the Rules).

2. The Ministry of Trade and Integration of the Republic of Kazakhstan in agreement with the National Bank of the Republic of Kazakhstan shall:

1) approve a plan for the phased transfer of benefits and social payments in the form of electronic money to social wallets (hereinafter-the plan) together with the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan by January 1, 2022;

2) ensure the full technical readiness of electronic wallets in accordance with the requirements of the Rules before July 1, 2022.

3. The Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan, in accordance with the plan, to the extent of technical and organizational readiness, to take measures for the phased transfer of benefits and social payments in the form of electronic money to social wallets.

4. This resolution shall enter into force from the date of its signing and shall be subject to official publication.

*Prime-Minister of the
Republic of Kazakhstan*

A. Mamin

Approved
by the Resolution of
the Government of the
Republic of Kazakhstan
dated September 8, 2021 No. 619

Rules and features of crediting, accounting and use of benefits and social payments at the expense of the state budget and (or) funds of the State Social Insurance Fund transferred in the form of electronic money, as well as monitoring the use of targeted social assistance

Chapter 1. General provisions

1. These Rules and features of crediting, accounting and use of benefits and social payments at the expense of the state budget and (or) funds of the State Social Insurance Fund transferred in the form of electronic money, as well as monitoring the use of targeted social assistance (hereinafter-the Rules) have been developed in accordance with paragraph 6-1 of Article 42 of the Law of the Republic of Kazakhstan “On Payments and Payment Systems” (hereinafter-the Law) and shall determine the procedure and features of crediting, accounting and use of benefits and social payments at the expense of the state budget and (or) funds of the State Social Fund insurance transferred in the form of electronic money, as well as monitoring the use of targeted social assistance.

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

1) a social wallet – an electronic wallet of an individual intended for accounting and storing electronic money, ensuring their disposal (a social wallet is opened by an operator of the instant payment system for crediting benefits and social payments paid from the state budget and (or) the State Social Insurance Fund in the form of electronic money, and debiting electronic money from it when they are repaid or transactions are carried out with them);

2) a business wallet - an electronic wallet of a legal entity, an individual entrepreneur or an individual engaged in private practice, as well as payers of unified aggregate payments, opened by an operator of an instant payment system, for carrying out transactions with electronic money coming from social wallets of individuals for payment of received goods, works and services;

3) payers of unified aggregate payments (hereinafter - payers of unified aggregate payments) - individuals engaged in entrepreneurial activities without registration as an individual entrepreneur that meet the requirements established by Article 774 of the Code of the Republic of Kazakhstan "On Taxes and Other Obligatory Payments to the Budget";

4) a centralized wallet - an electronic wallet opened by the operator of the instant payment system for an authorized organization for the purpose of crediting and debiting from it the amounts of electronic money intended (used) for the payment of benefits and social payments ;

5) an authorized organization - an organization, carrying out payment of benefits and social payments represented by the State Corporation "Government for Citizens";

6) participants of the electronic money system - individuals and legal entities, second-tier banks, the National Postal Operator, an authorized organization, state bodies and other

entities interacting with each other on the issues of crediting, accounting and use of benefits and social payments within the framework of these Rules.

Other concepts and definitions used in these Rules shall be applied in accordance with the Law.

3. Within the framework of these Rules, the following shall be recognized:

1) as an electronic money system - an instant payment system;

2) as an operator of an electronic money system - an operator of an instant payment system that ensures the functioning of the instant payment system, including collection, processing and transmission of information generated during operations within the instant payment system using electronic money (hereinafter-the instant payment system operator);

3) as an agent (hereinafter - the agent) - a second-tier bank, the National Postal Operator, which are participants in the instant payment system and carry out activities for the purchase of electronic money from owners - individuals and legal entities with subsequent redemption by the National Bank of the Republic of Kazakhstan (hereinafter - the National Bank) on the basis of an agreement concluded with the operator of the instant payment system, which defines the rights and obligations of the parties, the procedure and conditions for the purchase of electronic money.

4. The issuer of electronic money for benefits and social payments (hereinafter -electronic money) paid from the state budget and (or) funds of the State Social Insurance Fund (hereinafter-the Fund) shall be the National Bank.

5. Business wallets shall be opened automatically by the operator of the instant payment system for all individual entrepreneurs, individuals engaged in private practice, payers of single aggregate payments and legal entities that are residents of the Republic of Kazakhstan, based on information provided by the justice and state revenue authorities.

6. Opening of a social wallet in the instant payment system shall be carried out by the operator of the instant payment system on the basis of a list that contains information about the individual identification number of a citizen, his/her surname, first name and patronymic (if any), date of birth, and mobile phone number (if any) provided by an authorized organization, while obtaining the consent of a citizen to transfer data when applying for social assistance is a prerequisite.

The operator of the instant payment system shall ensure collection, processing and protection of information in the manner and in compliance with the requirements stipulated by the legislation on personal data and their protection.

7. Access and activation of the social wallet shall be carried out subject to identification (performed once during the first use) of the owner of electronic money in the manner prescribed by paragraph 5 of Article 42 of the Law.

8. Access and activation of a business wallet shall be carried out subject to identification (performed once at the first use) of the owner of electronic money through the use of an electronic digital signature or remote identification for payers of unified aggregate payments,

as well as after verification of the owner of the business wallet in accordance with Article 5 of the Law of the Republic of Kazakhstan "On Counteraction of Legitimization (Laundering) of Incomes Received by Illegal Means, and Financing of Terrorism".

9. Activation and identification of the owners of social and business wallets, provided for in paragraphs 5 and 6 of these Rules shall be determined by the rules for functioning of the instant payment system, approved by the operator of the instant payment system in agreement with the National Bank

10. Relations of participants in the electronic money system, the use and redemption of electronic money shall be regulated by the procedure for issuing electronic money, approved by the National Bank, the rules for functioning of the instant payment system, and the agreement concluded with the operator of the instant payment system.

The agreement concluded between the operator of the instant payment system and the participant shall be public and regulate the issues of providing the participant with access to the instant payment system, the procedure for making payments and transfers, paying commissions, the rights and obligations of the parties, the procedure and conditions for the sale of electronic money to individuals and other issues determined by the parties. The form of an agreement shall be determined by the operator of the instant payment system in agreement with the National Bank.

11. The agents shall carry out an attachment e-wallets at the initiative of their owners to their own systems for carrying out transactions with them in case of participation of a second-tier bank in the instant payment system. Attachment shall be carried out through the services of remote servicing of agents, the operator of the instant payment system or public services.

12. One person cannot have two or more electronic wallets in the electronic money system at the same time, except for cases when an individual who is an individual entrepreneur, payer of unified aggregate payments or a person engaged in private practice has a social wallet and a working wallet.

13. The authorized organization shall carry out activities for the purchase of electronic money from the National Bank for their subsequent sale to individuals on the basis of an agreement concluded with the operator of the instant payment system.

14. The operator of the instant payment system shall ensure the creation of a remote access system, technical support and access for the owners of electronic money to electronic wallets.

Chapter 2. The procedure and features of crediting benefits and social payments at the expense of the state budget and (or) funds of the State Social Insurance Fund transferred in the form of electronic money

15. Benefits and social payments shall be paid in the form of electronic money and credited to social wallets in accordance with the legislation of the Republic of Kazakhstan.

16. Formation of the need for crediting of benefits and social payments, interaction between the authorized organization, the authorized body in the social and labour sphere and the fund, as well as the issues of return of excessively or erroneously accrued social payments not provided for by these Rules, as well as sources of funds for the payment of benefits and social payments shall be determined by the Rules for appointment and payment of state benefits to families with children, approved by the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated May 5, 2015 No. 319 (registered in the register of state registration of regulatory legal acts under No. 11507), the Rules for assigning and payment of special state benefits approved by the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated June 3, 2015 No. 445 (registered in the register of state registration of regulatory legal acts under No. 11745), the Rules for calculating (determining) the amount of social payments, assignment, recalculation, suspension, renewal, termination and implementation of social payments from the State Social Insurance Fund, approved by the order of the Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan dated June 8, 2020 No. 217 (registered in the register of state registration of regulatory legal acts under No. 20838).

17. The authorized organization after receiving money from the state budget and (or) the fund for crediting benefits and social payments shall transfer them in accordance with the payment schedule to the account of the National Bank by means of a payment order, which acts as an application for issuing electronic money to the National Bank, equal to the nominal value of the transferred money (hereinafter-referred the application for issuing electronic money), form a list of recipients, which acts as an instruction, and send it to the operator of the instant payment system for crediting benefits and social payments by electronic money.

18. Electronic money issued by the National Bank not later than the next working day after receipt of money to the account of the National Bank and receipt by the National Bank of an application for issuing electronic money shall be transferred to a centralized wallet.

19. After the receipt of money to the centralized wallet, the operator of the instant payment system, shall transfer them to social wallets within 1 (one) working day.

20. Only the amounts of benefits and social payments in electronic money shall be credited to the social wallet, which are credited to it by the operator of the instant payment system according to the list received from the authorized organization.

21. The use of electronic money on a social wallet shall be carried out only after the activation of the electronic wallet, carried out in the manner specified in paragraph 5 of these Rules, and its attachment to a specific agent. Attachment to an agent shall be possible at the time of applying for benefits and social payment or at the time of activation of the social wallet through the services specified in paragraph 11 of these Rules.

22. The operator of the instant payment system, according to the list received from the authorized organization shall determine the amount of money credited in the context of agents in accordance with the attachments of agents to the social wallets of recipients and shall daily

send information and (or) instructions in the context of amounts and agents to the National Bank and agents.

23. The National Bank, within 2 (two) working days from the date of receipt of the information and (or) instructions transmitted by the operator of the instant payment system shall transfer money to the correspondent (current) accounts of agents - second-tier banks or the National Postal Operator.

24. After receiving the money, the agents shall have obligations to the National Bank in the amount of sums of money, transferred by the National Bank.

25. Calculation of net positions between agents shall be carried out through the system of instant payments at the end of each trading day based on the results of transactions with electronic money.

26. If the fact of excessive and (or) erroneously transferred benefits and social payments is revealed, the authorized organization shall inform the operator of the instant payment system about the existence of this fact and the need to return the excess and (or) erroneously accrued funds.

27. The operator of the instant payment system, based on information about the need to return excess and (or) erroneously transferred funds from an authorized organization shall send a notification to the owner of electronic money about the need to return excess and (or) erroneously accrued funds.

28. The refund of the amounts of excessively and (or) erroneously transferred benefits and social payments received to the centralized wallet shall be subject to repayment within 2 (two) working days by payout of electronic money to the account of an authorized organization on the basis of an appropriate order.

The operator of the instant payment system, within 1 (one) working day after the redemption of excessively and (or) erroneously transferred benefits and social payments, shall inform the relevant agent about this.

Chapter 3. The procedure and features of accounting for benefits and social payments at the expense of the state budget and (or) funds of the State Social Insurance Fund transferred in the form of electronic money

29. Electronic money shall be subject to accounting, including when crediting, using, making payments and transfers, as well as redeeming them only on electronic wallets opened by the operator of the instant payment system.

30. The operator of the instant payment system shall ensure the confidentiality of information about the balances and movement of electronic money on social wallets by complying with the requirements of the Law of the Republic of Kazakhstan "On Personal Data and Their Protection".

31. At the request of the owner of electronic money, the operator of the instant payment system shall provide information on the balances and movement of electronic money on electronic wallets.

32. The operator of the instant payment system shall provide information on the balances and movement of electronic money on electronic wallets to state bodies in the manner prescribed by the legislation of the Republic of Kazakhstan.

Chapter 4. The procedure and features of the use of benefits and social payments at the expense of the state budget and (or) funds of the State Social Insurance Fund transferred in the form of electronic money

33. The use of electronic money stored in an electronic wallet shall be carried out by the owner of electronic money through a remote service system for attached agents, an operator of an instant payment system, or through public services.

34. Electronic money on a social wallet shall be used to perform the following operations:

- 1) transfer of electronic money to a business wallet, including as payment for goods, works and (or) services;
- 2) writing off electronic money from a social wallet for their redemption, including for the purpose of withdrawing money, transferring money to bank accounts through an instant payment system.

35. To restore the balance of the social wallet, the procedures for cancellation or annulment of transactions shall be applied in accordance with the legislation of the Republic of Kazakhstan in cases of returning electronic money to the social wallet when:

- 1) transferring to a business wallet (as payment for goods, works and (or) services);
- 2) erroneous transfers of the sender.

36. Purchase of electronic money shall be carried out by an agent by issuing cash to the owner or by transferring money to his/her bank account instead of received electronic money, in case of participation of a second-tier bank in the instant payment system.

37. Interaction of the parties on the issues of payment of benefits and social payments to recipients shall be regulated on the basis of agreements concluded between the authorized organization and the operator of the instant payment system.

38. Payment for banking services related to the issuance of cash through agents or related to the transfer of money to a bank account shall be carried out in accordance with the Rules for the provision of state basic pension payments at the expense of budgetary funds, as well as the assignment and implementation of pension payments by age, state social benefits on disability, on the occasion of the loss of a breadwinner, state special benefits, approved by the order of the Minister of Healthcare and Social Development of the Republic of Kazakhstan dated April 14, 2015 No. 223 (registered in the register of state registration of regulatory legal acts under No. 90204).

39. The mechanism of payment for banking services shall be determined by the rules for functioning of the instant payment system.

Chapter 5. Monitoring of the use of targeted social assistance

40. Monitoring of the use of funds of targeted social assistance provided in the form of electronic money shall be carried out by authorized bodies in the social and labor sphere and in the field of trade and integration based on the data provided by the operator of the instant payment system.

41. Requirements for the structure and content of dossiers of electronic wallet owners, the list of data and documents to be stored by an agent for the purchase of electronic money, as well as the method of their storage shall be established by the rules for functioning of the instant payment system.

42. The operator of the instant payment system shall provide the authorized bodies in the social and labour sphere and the sphere of trade and integration with the reporting of agents for the purchase of electronic money within the time limits established in the regulatory legal act of the authorized body in the social and labour sphere.

43. The authorized body in the field of trade and integration, on the basis of information received from the operator of the instant payment system shall analyze and monitor the prices for socially significant food products by carrying out control for exceeding threshold values in accordance with the legislation of the Republic of Kazakhstan.