



On the Establishment of the Foreign Investors' Council chaired by the President of the Republic of Kazakhstan

Unofficial translation

Decree of the President of the Republic of Kazakhstan of June 30 1998 No. 3985.

Unofficial translation

In accordance with sub paragraph 20) of Article 44 of the Constitution of the Republic of Kazakhstan, I hereby **RESOLVE THAT**:

1. To form the Foreign Investors' Council chaired by the President of the Republic of Kazakhstan.

2. To approve the Regulation on the Foreign Investors' Council chaired by the President of the Republic of Kazakhstan (attached).

3. The First Deputy Prime Minister of the Republic of Kazakhstan and the Chairman of the State Investment Committee of the Republic of Kazakhstan within a month should introduce proposals on personal composition of the Council to the Head of State for consideration.

4. This Decree shall enter into force on the date of signing.

PRESIDENT OF THE REPUBLIC OF KAZAKHSTAN

APPROVED by
the Decree of the President of
the Republic of Kazakhstan
dated June 30, 1998 № 3985

REGULATION

on the Foreign Investors' Council chaired by the President of the Republic of Kazakhstan

Footnote. The Regulation as amended by the Decree № 603 of the President of the Republic of Kazakhstan dated July 24, 2013.

1. General Provisions

1. The Foreign Investors' Council (hereinafter referred to as the Council) is a consultative and advisory body under the President of the Republic of Kazakhstan.

2. The legal basis for the Council's activities is the Constitution and laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan, other regulatory legal acts of the Republic of Kazakhstan, and this Regulation.

3. The activities of the Council is ensured by the Administration of the President of the Republic of Kazakhstan and the working body of the Council.

4. The working body of the Council shall be the Investment Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan (hereinafter referred to as the working body of the Council).

Footnote. Paragraph 4 as reworded by Decree № 862 of the President of the Republic of Kazakhstan dated 26.02.2019.

2. The main objectives of the Council

5. The main objective of the Council is to develop recommendations and proposals on the following issues:

- definition of the main directions of the investment policy of the Republic of Kazakhstan;
- improvement of the investment climate in the Republic of Kazakhstan;
- improvement of the legal framework of the Republic of Kazakhstan on investments;
- assistance of foreign companies to economic diversification, industrialization of manufacturing sector, development of small and medium business of the Republic of Kazakhstan;
- integration of economy of the Republic of Kazakhstan into the world economic processes;
- engagement strategy of foreign investment in the economy of the Republic of Kazakhstan ;
- realization of major investment programs and projects of international significance the Republic of Kazakhstan.

3. Composition of the Council

6. The Chairman of the Council is the President of the Republic of Kazakhstan.

7. Permanent members of the Council shall be: Prime Minister of the Republic of Kazakhstan, Chairman of the National Bank of the Republic of Kazakhstan, Deputy Prime Ministers of the Republic of Kazakhstan, Minister of Foreign Affairs of the Republic of Kazakhstan, Minister of Transport of the Republic of Kazakhstan, Minister of Finance of the Republic of Kazakhstan, Minister of Industry and Construction of the Republic of Kazakhstan , Minister of National Economy of the Republic of Kazakhstan, Advisor to the President of the Republic of Kazakhstan, supervising socio-economic issues and the first head of the working body of the Council

Footnote. Paragraph 7 – in the wording of the Decree of the President of the Republic of Kazakhstan dated 29.06.2024 № 591

8. The Council may include other public officials of the Republic of Kazakhstan, determined by the President of the Republic of Kazakhstan.

9. The composition of the Council from the foreign party shall be formed from the international economic and financial organizations representatives (hereinafter international organizations), the first heads of foreign companies or their deputies (hereinafter foreign members of the Council) in the manner specified by this Regulation.

10. In order to facilitate effective implementation of the objectives assigned to it by the Council, a Commission on the operational activities of the Council shall be created (hereinafter referred to as the Commission).

11. The personal composition of the Council is approved by the President of the Republic of Kazakhstan.

4. The procedures for the submission and consideration for membership in the Council

12. For membership of the Council, representatives of international organizations, foreign companies (hereinafter referred to as applicants) submit an application to the working body in the form established by the annex to this Regulation.

13. The primary criterion for membership in the Council shall be direct investment in the economy of the Republic of Kazakhstan by international organisations and foreign companies represented by their applicants to the equivalent of at least USD 500 million for investors operating in the subsoil use sector and at least USD 125 million for investors operating in other sectors of the economy.

Representatives of international and other organisations and banks actively involved in creating a favourable investment climate and intensifying investment processes in the economy of the Republic of Kazakhstan may also be the members of the Council.

However, applicants shall initially be granted observer status of the Council as decided by the Commission.

Footnote. Paragraph 13 - as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

14. Excluded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

15. Applications shall be examined by the working body of the Council on a priority basis and, if they comply with the criteria laid down in paragraph 13 of this Provision, shall be submitted to the Commission for its consideration.

Footnote. Paragraph 15 - as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

16. Should an applicant, as recommended by the working body of the Council, not satisfy the criteria set out in paragraph 13 of this Provision, but is active in a priority sector of the economy, the application may be submitted to the Commission for inclusion as an observer of the Council, provided that at least 6 of the following conditions are met:

1) implementation of investment activities in the Republic of Kazakhstan for a period of not less than 3 years;

2) creation of new jobs, seventy percent of which must be occupied by Kazakhstani employees;

3) contribution to social and economic development (training of Kazakhstani specialists, creation of equal working conditions, participation in implementation of socially important

projects in the Republic of Kazakhstan, implementation of “environmentally friendly projects” in the Republic of Kazakhstan, involvement in activities to improve the investment image of the Republic of Kazakhstan);

4) production of export-oriented products in the Republic of Kazakhstan;

5) import of technologies into the Republic of Kazakhstan;

6) conformity with the development priorities of the economy of the Republic of Kazakhstan;

7) leadership in the market and industry, high ratings from international rating agencies;

8) recommendations from Kazakhstani and foreign industrial and business associations, diplomatic representations accredited in the Republic of Kazakhstan;

9) experience and business reputation of an international organisation or a foreign company.

Footnote. Paragraph 16 - as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

17. Should the Commission decide favourably, the applicant shall be added to the Board's observers, with the possibility of a review of the company's status after two years and its inclusion in the Board on the foreign side.

Footnote. Paragraph 17 - as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

17-1. Upon the decision of the Chairman of the Council, an applicant may be included in the Council without being granted observer status.

Footnote. Chapter 4 as supplemented by paragraph 17-1 as per Decree № 598 of the President of the Republic of Kazakhstan dated 09.06.2021.

5. Commission on the operational activities of the Council

18. The main objective of the Commission is to facilitate the effective implementation of the objectives assigned by the Council. The composition of the Commission shall be approved by the decision of the Chairman of the Commission on the recommendation of working body of the Council and in agreement with all applicants for inclusion in the Commission.

19. The Commission shall be composed of six representatives from the Kazakhstan side and six representatives from the foreign side.

Members of the Commission from the Kazakh side shall be by their position: Advisor to the President of the Republic of Kazakhstan, in charge of socio-economic issues (Chairman of the Commission), deputy first heads of the Ministries of Foreign Affairs, Justice, National Economy, Industry and Construction, Transport of the Republic of Kazakhstan, first head of the working body of the Council (Secretary of the Commission).

Footnote. Paragraph 19 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021; as amended by the Decree of the President of the Republic

of Kazakhstan dated 03.01.2024 № 429 (shall be enforced after the day of its first official publication); dated 29.06.2024 № 591.

20. The Commission shall meet as required, but at least once a year. Decisions of the Commission shall be taken by majority vote. In the event of a tied vote, the Chairman of the Commission shall have the casting vote.

Footnote. Paragraph 20 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

21. The Commission shall make recommendations to the President of the Republic of Kazakhstan on the composition of the Council, on improving the efficiency of the Council, endorse the composition of observers of the Council as specified in Chapter 6 of this Provision, assess the activities of the Council members and their respective companies for the purpose of the Council.

Footnote. Paragraph 21 as reworded by Decree № 598 of the President of the Republic of Kazakhstan dated 09.06.2021.

6. Observers

22. Observers shall not be members of the Council.

23. The composition of the observers is approved by the Commission.

24. Observers may participate in plenary and intermediate sessions, thematic sessions, working groups and additional meetings of the Chairman of the Council, and may make a presentation upon agreement of the working body.

Footnote. Paragraph 24 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

25. Observers should participate actively in work of at least one work group of the Council, contribute to the formation of a positive investment climate and improvement of reputation of the Republic of Kazakhstan.

7. Procedure of exclusion or replacement of the Council's foreign members and grounds for withdrawal a foreign member from the Council

26. When considering the issue of exclusion or replacement of foreign members of the Council, the following shall be taken into account:

1) personal participation of foreign members of the Council in plenary sessions of the Council;

2) personal and active participation of the permanent representatives of foreign members of the Council in the activities of joint work groups of the Council;

3) compliance by foreign members of the Council of legislation of the Republic of Kazakhstan;

4) the participation of foreign members of the Council in development of the Republic of Kazakhstan economy, as an initial matter, in the implementation of measures to diversify the economy of the Republic of Kazakhstan.

27. The grounds for the withdrawal of foreign member from the Council are:

1) a written request from a foreign member of the Council on the termination of activities in the Council;

2) termination by an international organization or a foreign company, the representative of which is a foreign member of the Council, of investment activity in the Republic of Kazakhstan.

28. Recommendations of the Commission also can be grounds for the withdrawal of a foreign member from the Council.

8. Joint Council work groups

29. With a view to making recommendations and proposals to the Council on the implementation of the protocol instructions of the plenary sessions of the Council, improvement of the investment policy, enhancement of the investment climate of the Republic of Kazakhstan, promotion of foreign investors in local content development, industrial and innovative development of Kazakhstan and operational activities of companies investing in Kazakhstan, development of the digital economy of the Republic of Kazakhstan, joint permanent working groups may be formed by decisions of the Commission.

Footnote. Paragraph 29 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

30. A maximum of five joint permanent working groups of the Council may be established.

Footnote. Paragraph 30 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

31. Provisions on the joint permanent working groups, compositions from the Kazakhstani and foreign sides, annual work plans and reports shall be adopted by the co-chairmen of the joint permanent working groups of the Council.

Footnote. Paragraph 31 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

31-1. Joint temporary working groups of the Council may be formed following plenary and interim sessions of the Council, as well as thematic and supplementary meetings of the Chairman of the Council, for the purpose of developing recommendations and rapid solutions to foreign investors' issues in a particular area of the economy.

Joint temporary working groups of the Council shall be established by the order of the Prime Minister of the Republic of Kazakhstan or by decision of the head of the ministry supervising the issues associated with the activities of the given working group.

Footnote. Chapter 8 as supplemented by paragraph 31-1 as per Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

32. The joint permanent working groups of the Council shall be co-chaired by the Kazakhstani and foreign co-chairmen.

The joint permanent working group may be co-chaired on the Kazakhstan side by an official at the level of the first head of the ministry responsible for issues associated with the activities of the working group.

The foreign co-chair of the joint permanent working group may be the head of the Kazakhstani representative office of the international organization or foreign company, one of the executives who is a member of the Council.

Footnote. Paragraph 32 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

33. The composition of joint work groups of the Council may include representatives of state bodies of the Republic of Kazakhstan, international organizations, joint enterprises, Kazakhstani and foreign companies.

34. The working groups shall draw up recommendations to the Council, to be discussed in advance at interim meetings of the Council, and to be considered and adopted by the minutes of the plenary meetings of the Council.

Footnote. Paragraph 34 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

35. Participation in joint work groups of the Council shall carry out without the option.

9. Work sequence of the Council

36. The plenary meetings of the Council shall be held once a year, on the second Thursday in June. However, the Chairman of the Council may set another date.

If required, the Chairman of the Council shall hold additional working meetings including via videoconferencing, with the heads of international organizations and foreign companies who are the members of the Council.

Footnote. Paragraph 36 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

37. The main theme and venue of the plenary session shall be decided by the Chairman of the Council.

Footnote. Paragraph 37 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

38. The plenary session of the Council shall comprise 2 sessions:

1) open session - to be held with the involvement of the media, with a discussion of the report on the implementation of the protocol instructions of the previous plenary session of the Council, the main theme of the meeting and the final report on the recommendations made during the year by the Council's working groups;

2) closed session - to be held without the media and to allow members to freely discuss various issues.

Footnote. Paragraph 38 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

39. Plenary sessions of the Council are empowered if there are not more than two thirds of the total number of Council members.

40. Between plenary sessions of the Council, an interim meeting shall be chaired by the Prime Minister of the Republic of Kazakhstan.

If needed, the Prime Minister of the Republic of Kazakhstan shall hold additional thematic sessions with the heads of local member companies of the Council.

Footnote. Paragraph 40 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

41. Members and observers of the Council, heads of public authorities of the Republic of Kazakhstan, co-chairmen of the joint permanent working groups of the Council as well as permanent representatives of foreign members of the Council in the Republic of Kazakhstan may participate in the interim session, thematic sessions and additional meetings of the Chairman of the Council.

Footnote. Paragraph 41 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

42. At the interim sessions of the Council, the preliminary results of the implementation of the protocol decisions of the last plenary session of the Council, the preparations for the plenary sessions of the Council, and the recommendations made by the working groups of the Council shall be reviewed.

Current issues of foreign investors shall be discussed at the thematic sessions of the Council with recommendations on the topics of the sessions made by the working groups of the Council.

Footnote. Paragraph 42 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

43. These recommendations shall be announced by the co-chairmen of the joint Council working groups and, following discussions, be considered in the preparation of the minutes of the interim session and the Council's thematic session.

Footnote. Paragraph 43 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

44. As required, representatives of interested public authorities of the Republic of Kazakhstan, as well as international organizations and foreign companies, who are not members of the Council, may be invited to plenary and interim sessions of the Council, thematic sessions and additional meetings of the Chairman of the Council.

Footnote. Paragraph 44 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

45. Decisions adopted at plenary and interim sessions, thematic sessions and additional meetings of the Chairman of the Council shall be recorded in minutes.

Footnote. Paragraph 45 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

46. In consultation with the Prime Minister of the Republic of Kazakhstan and the public authorities concerned, the working body of the Council shall present the draft minutes of the plenary session of the Council and additional meetings of the Chairman of the Council, accompanied by a record of the execution of instructions within one month of the date of the plenary session or additional meeting of the Chairman of the Council.

Footnote. Paragraph 46 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

47. The working body of the Council shall arrange that the minutes of the plenary and interim sessions, thematic sessions and additional meetings of the Chairman of the Council and their annexes be distributed to the participants in the sessions within one month of their signing.

Footnote. Paragraph 47 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

10. Working body of the Council

48. The working body of the Council shall perform the functions of:

- 1) preparing and submitting recommendations to the Commission on the composition of the Council, the joint working groups of the Council and the Commission;
- 2) arranging and holding plenary sessions and interim sessions, thematic sessions and additional meetings of the Chairman of the Council;
- 3) coordinating the activities of the joint working groups;
- 4) monitoring the implementation of the protocol decisions of the Council, its joint working groups and the Commission.

Footnote. Paragraph 48 as reworded by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

ANNEX
to the Regulation on the
Foreign Investors' Council chaired
by the President
of the Republic of Kazakhstan,
approved by Decree of
the President of the Republic of
Kazakhstan № 3985
dated June 30, 1998

**APPLICATION
for Council membership**

Footnote. Annex as amended by Decree of the President of the Republic of Kazakhstan № 598 of 09.06.2021.

1. The name of international organization / foreign company:

2. Postal address:

3. Country of origin:

4. General description of international organization / foreign company activities (sphere of activities, business reputation).

5. Details of the participation of an international organization/foreign company in investment projects in Kazakhstan, specifying the duration of the investment activity in the Republic of Kazakhstan.

6. Total direct investments in the economy of the Republic of Kazakhstan.

7. Aggregate turnover, production volume on the territory of Kazakhstan.

8. Revenues to the state budget of the Republic of Kazakhstan from the activities of international organization / foreign company.

9. Participation in joint work groups activities of the Council.

10. Participation of international organization / foreign company in solution of social and environmental problems of the Republic of Kazakhstan, charity and sponsorship activities on the territory of the Republic of Kazakhstan.

11. The number of Kazakhstani employees, showing their percentage of the company's total workforce and measures to improve their skills.

12. Information about the participation in the events to improve the investment image of the Republic of Kazakhstan abroad.

13. The surname, first name and patronymic of the applicant:

14. Position:

15. Professional activity:

16. Work period in the international organization / foreign company:

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17. Attached documents (letters of recommendation from the government bodies of the Republic of Kazakhstan, industrial and business associations, embassies of states accredited in the Republic of Kazakhstan):

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