

## **On Approval of the rules for the competitive selection of managers of the managing company and qualification requirements for them**

### *Invalidated Unofficial translation*

Order No. 224 of the Minister for Investments and Development of the Republic of Kazakhstan dated February 27, 2015. Registered in the Ministry of Justice of the Republic of Kazakhstan under No.10699 on April 10, 2015. Expired by Order of the Acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated August 6, 2019 No. 621

**Footnote. Expired by Order of the Acting Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated 06.08.2019 No. 621 (effective after twenty-one calendar days after the day of its first official publication).**

Footnote. Rules as as amended by Order No.1290 of the Acting Minister for Investments and Development of the Republic of Kazakhstan dated December 31,2015 (shall be enforced upon expiry of 21 calendar days after its first official publication).

In accordance with Paragraph 3 of Article 19 of the Law of the Republic of Kazakhstan "On Special Economic Zones in the Republic of Kazakhstan" dated July 21, 2011 I hereby **ORDER:**

1. To approve

1) The rules for the competitive selection of managers of the managing company, according to Annex 1 to this order;

2) qualification requirements for managers of the managing company, according to Annex 2 to this order.

Footnote. Paragraph 1 as amended by order No.1290 of the Acting Minister for Investments and Development of the Republic of Kazakhstan dated December 31, 2015 (shall be enforced upon expiry of 21 calendar days after its first official publication).

2. The Investment Committee of the Ministry for Investments and Development of the Republic of Kazakhstan (Ye.K. Khairov) shall ensure:

1) state registration of this order at the Ministry of Justice of the Republic of Kazakhstan, according to the procedure, established by legislation;

2) sending of its copy in order of its official publication in periodicals and in the legal information system Adilet of the republic state enterprise on the basis of the right of economic management "Republican Legal Information Center of the Ministry of Justice of the Republic Kazakhstan" within ten days after its state registration;

3) publishing of this order on the Internet resource of the Ministry for Investments and Development of the Republic of Kazakhstan as well as on the intranet portal of state bodies;

4) submission to the Legal Department of the Ministry for Investments and Development of the Republic of Kazakhstan of information on the execution of measures provided for by subparagraphs 1), 2) and 3) of paragraph 3 of this order within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan.

3. Supervision over this order fulfillment shall be entrusted to the Supervising Deputy Minister for Investments and Development of the Republic of Kazakhstan.

4. This order enters into force upon the expiry of ten calendar days after the day of its first official publication.

*Minister for Investments and Development  
of the Republic of Kazakhstan*

*A. Issekeshv*

Annex 1  
to the order of the Minister  
for Investments and Development  
of the Republic of Kazakhstan  
dated February 27, 2015 No. 224

## **Rules of selection of managers of the managing company**

**Footnote. Rules as as amended by Order No.1290 of the Acting Minister for Investments and Development of the Republic of Kazakhstan dated December 31,2015 (shall be enforced upon expiry of 21 calendar days after its first official publication).**

### **1. General Provisions**

1. These Rules for the competitive selection of managers of the managing company (hereinafter - the Rules) are developed in accordance with Paragraph 3 of Article 19 of the Law of the Republic of Kazakhstan "On Special Economic Zones in the Republic of Kazakhstan" (hereinafter - the Law) dated July 21, 2011 and determine the procedure of the competitive selection of managers of the managing company, established at the initiative of central or local executive bodies of the region, the city of republican significance, the capital, for the companies more than fifty percent of voting shares of which belong to the state, unless it is established otherwise by an Act of the President of the Republic of Kazakhstan on the establishment of a special economic zone. The selection of a person as the chief of the executive body or a person solely performing the functions of the executive body of a managing company, established at the initiative of non-state legal entities, is carried out in accordance with the Law of the Republic of Kazakhstan dated May 13, 2003 "On Joint-Stock Companies".

2. Main notions used in these Rules are as follows:

1) special economic zone (hereinafter - the SEZ) - a part of the territory of the Republic of Kazakhstan with defined boundaries, on which a special legal regime of a special economic zone operates for the implementation of priority activities;

2) managing company - a legal entity created in accordance with the Law, in the organizational and legal form of a joint stock company to ensure the functioning of a special economic zone;

3) participants of the competition - individuals who have submitted an application for participation in the competition for the selection of managers of the managing company;

4) The Unified Coordination Center for Special Economic Zones in the Republic of Kazakhstan (hereinafter referred to as the Unified Coordination Center) is a legal entity, the objectives of which are to develop, promote and increase the investment attractiveness of special economic zones;

5) authorized body is the central executive body, exercising state regulation in the sphere of creation, functioning and abolition of special economic zones.

3 The subject of the competition is the selection of individuals for election as the chief of the executive body or a person who will be solely acting as the executive body of the managing company.

4. Competitive selection is open and is carried out within sixty calendar days from the date of submission by the Government of the Republic of Kazakhstan of the suggestion on the creation of a SEZ to the President of the Republic of Kazakhstan.

5. The competition commission for the selection of managers for the managing company (hereinafter referred to as the Competition Commission) is formed by the authorized body together with the relevant concerned state bodies and the Unified Coordination Center.

6 In the event of termination of labor relations with the head of the executive body or a person acting solely as the executive body of the managing company, the competitive selection of managers for the managing company shall be conducted by the authorized body jointly with the relevant concerned state bodies and a Unified Coordination Center within fifteen working days from the date of termination of employment.

## **2. Procedure of selection of managers of the managing company**

7. The authorized body places an announcement of a competitive selection to select a manager of the managing company and of a period not exceeding twenty calendar days, during which participants submit applications for participation in the

competition, in the media, published on the republican and (or) international levels in Kazakh, Russian and / or other languages, as well as on the official Internet resource of the authorized body.

8. The procedure for the competitive selection of managers of the management company consists of the two following stages:

1) consideration by the authorized body of applications for participation in the competitive selection for compliance with the qualification requirements for the managers of the management company;

2) consideration by the Competition Commission of the competitive bids of participants admitted to participate in the second stage of the competition and conducting interviews with them, the results of which determine the persons recommended for election to the executive management body of the managing company.

9. To participate in the competition for the selection of managers of the managing company, the participants of the competition submit the following documents to the authorized body:

1) application form for participation in the competition, completed and signed by the participant of the competition in accordance with the Annex to these Rules in hard and soft copy versions;

2) notarized copy or a copy together with the original for verification of an identity card and / or a passport;

3) notarized copy or a copy together with the original for the verification of the document, confirming the labor activity of the participant;

4) notarized copy or a copy together with the original for verification of the diploma of higher education, also master's or doctoral program diploma, if any;

5) copies of certificates and other awards, if any;

6) a document confirming the presence / absence of a criminal record;

7) letters of recommendation, if any;

8) when submitting documents in foreign languages, a notarized translation into the Kazakh or Russian language is additionally attached.

The participant may also attach other documents confirming compliance with the qualification requirements for the managers of the managing company.

10. When a participant submits an application for participation in the competition, the authorized body:

1) registers the application in the register of applications on the day of its submission;

2) checks the completeness of the package of submitted documents for their compliance with the list of documents specified in Paragraph 9 of these Rules;

3) returns the application on the day of its submission in case of non-compliance of the submitted documents with the list, specified in Paragraph 9 of these Rules . Return of the application does not deprive the person of the right to apply with a repeated application after elimination of the admitted mistakes.

11. All documents, submitted by the participant, are accepted according to a checklist, a copy of which is sent (delivered) to the applicant with a note of the date of receipt of documents by the authorized body.

12. The period for consideration by the authorized body of the applications and the documents submitted by the participants for compliance with the qualification requirements for the managers of the managing company and the accuracy of the information reflected in them is fifteen calendar days from the date of the deadline for accepting applications for participation in the competition.

13. The list of participants admitted to the second stage of the competition is determined by the authorized body after considering the submitted documents, specified in Paragraph 9 of these Rules, for compliance with the qualification requirements for the managers of the managing company, and the accuracy of the information reflected in them, and published on the official Internet resource of the authorized body within fifteen calendar days from the date of the deadline for accepting applications for participation in the competition.

14. The participants of the competition, admitted to the second stage of the competition, within five calendar days from the date of official publication on the official Internet resource of the authorized body of the list of participants, who passed to the second stage of the competition, submit to the authorized body for the subsequent submission for consideration to the Competition Commission the following documents in free form, containing:

1) certificate, proving work experience taking into account the specialization of the SEZ activity;

2) vision of the development strategy of the SEZ;

3) mechanisms and / or development scheme of the SEZ;

4) ways to attract investors to the SEZ;

5) expected results (qualitative and quantitative indicators);

6) methods of preparation and adoption of management decisions taking into account the interests of the state, the managing company and the participants of the SEZ.

15. The competition commission conducts an interview and considers the submitted competitive bids within ten calendar days from the date on which the competitive bids are received. The decision of the Competition Commission shall be recorded in a protocol on the basis of the results of the competition held within fifteen calendar days from the date of the end of the acceptance of competitive offers. The

protocol is signed by all members of the Competition Commission who participated in the meeting.

16. The Competition Commission holds meetings and makes decisions if at least two thirds of the total number of its members are present at the meeting, and each member of the competition committee has one vote. Decisions of the Competition Commission are made by a majority of votes of the members who took part in the meeting. In the event of an equal number of votes, the vote of the Chairman of the Competition Commission is considered decisive.

### **3. Competition summarizing**

17. The authorized body within five calendar days from the date of signing the protocol by the Competition Commission, announces the results of the competition on the official Internet resource of the authorized body.

18. A participant, who wins by the results of the contest is recommended for election in accordance with the procedure established by the legislation on joint-stock companies, as the head of the executive body or the person solely acting as the executive body of the managing company.

19. The competition is declared invalid, if less than two persons, that meet the qualification requirements for managers of the managing company, participate in the competition.

20. If the competition is declared invalid, the authorized body announces the holding of a repeated competition, no later than two months from the day the latter was declared invalid.

Annex  
to the Rules for the competitive  
selection of managers  
of the managing company  
Form

place for photo

### **Application for participation in the competition**

---

(here surname, first name, and patronymic of the candidate (if any) are indicated)

---

(name of the Managing Company)

1. General information:

Date and place of birth	

Citizenship	
Identity document details	

## 2. Education:

No.	Name of educational institution	Admission date - graduation date	Profession	Details of the diploma, qualification	Location of the educational institution
1.					

3. Information about the spouse, close relatives (parents, brother, sister, children) and in-law relatives (parents, brother, sister, children of the spouse):

No.	Last, first, patronymic name (if any)	Year of birth	Relationship	Place of employment and position
1.				

4. Information about the participation of the candidate in the authorized capital or ownership of shares of legal entities:

No.	Name and location of the legal entity	Statutory activities of a legal entity	Share in the authorized capital or the ratio of the number of shares owned by the candidate to the total number of voting shares of the legal entity (in percentage)
1.			

5. Information about participation in seminars and training courses during the last three years:

No.	Name of organization	Date and place	Certificate details
1.			

## 6. Information about work experience.

This paragraph contains information about:

positions held by the candidate during entire career;

positions held by the candidate in other organizations before the submission of this information, indicating the address of the organizations and contact phones.

No.	Period of employment (date, month, year)	Place of work	Position	Disciplinary sanctions	Reasons for dismissal
1.					

7. Available publications, scientific research and other achievements:

---

(yes / no, if any, indicate the date and the publication)

---

8. Information on whether the candidate was previously a manager of an organization recognized as a bankrupt, or a decision was taken on the organization to revoke the license, to forcibly liquidate, preserve or redeem shares:

---

(yes / no, indicate the name of the organization, position, period of work)

9. Availability of data on the removal by supervisors, from the performance of official duties for violation of the law:

---

(yes / no, indicate the date, grounds for application and name of the supervisory authority)

10. Information on whether the candidate is an affiliate with respect to the current participants of the SEZ:

---

(yes / no)

I confirm that this information has been verified by me and is reliable and complete

Last name, first name, patronymic (if any) \_\_\_\_\_

---

(in block letters)

Filled out by the participant:

I confirm that I, \_\_\_\_\_,

(last name, first name, and patronymic, if any)



meet the requirements established by the Rules for the competitive selection of managers of the managing company, as well as the requirements for them.

Date \_\_\_\_\_ Signature \_\_\_\_\_

—

Annex 2  
to the order of the Minister  
for Investments and Development  
of the Republic of Kazakhstan  
dated February 27, 2015 No. 224

### **Qualification requirements for managers of the managing company**

**Footnote. Qualification requirements as amended by Order No.1290 of the Acting Minister for Investments and Development of the Republic of Kazakhstan dated December 31,2015 (shall be enforced upon expiry of 21 calendar days after its first official publication).**

1. To participate in the competition individuals must:

1) hold a higher education degree. Under equal conditions, preference is given to candidates with an additional diploma in the field, corresponding to the business activity of the managing company and the sectoral focus of the special economic zone (master degree or PhD in economics, finance, management and other fields, related to the sectoral focus of the special economic zone;

2) experience in managing special economic zones or implementing certain projects that are relevant to the sectoral focus of the special economic zone of at least 3 (three) years and / or have experience in large companies, including listed / public companies, corresponding to the company's main activity in managerial positions  $\text{III}$  at least 3 (three) years.

2 The following individuals are not allowed to participate in the competition:

1) persons who have outstanding or unclaimed convictions;

2) those, who previously were the chief executives of the board of directors, chief executives of the management (persons solely performing the functions of the executive body) and their deputies, chief accountants, shareholders owning, using, disposing of shares in the amount of ten or more percent of the total number of outstanding (voting) shares the company in the period not more than one year prior to the decision on the forced liquidation or on the recognition of its bankruptcy.

This condition applies for five years after the date of this decision;

3) those, being affiliated persons in relation to the active participants in the special economic zone.

