



On Approval of the State Service Standard “Conclusion of an Investment Agreement on the Implementation of an Investment Project for Providing Investments and Investment Preferences”

Invalidated Unofficial translation

Order of the Minister for Investments and Development of the Republic of Kazakhstan No. 478, dated April 21, 2015. Registered in the Ministry of Justice of the Republic of Kazakhstan on May 28, 2015 No. 11216. Expired by Order of the Minister of Foreign Affairs of the Republic of Kazakhstan dated June 1, 2020 No. 11-1-4/179

Footnote. It became invalid by Order of the Minister of Foreign Affairs of the Republic of Kazakhstan dated 01.06.2020 No. 11-1-4/179 (effective after ten calendar days after the date of its first official publication).

In accordance with subparagraph 1) of Article 10 of the law of the Republic of Kazakhstan dated 15 April 2013 "On State Services", I hereby ORDER:

1. To approve the enclosed State Service Standard “Conclusion of an Investment Agreement on the Implementation of an Investment Project for Providing Investments and Investment Preferences”.

2. To provide the investment Committee of the Ministry for Investments and Development of the Republic of Kazakhstan (Khairov E. K.) with:

1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan in the order established by the legislation;

2) transfer of its copy for official publication in periodicals and the Adilet information legal system within ten calendar days after the state registration of this Order in the Ministry of Justice of the Republic of Kazakhstan;

3) placement of this order on the Internet resource of the Ministry for Investment and Development of the Republic of Kazakhstan and on the Intranet portal of state bodies;

4) submission to the Legal Department of the Ministry for Investment and Development of the Republic of Kazakhstan of information on the execution of activities under subparagraph 1), 2) and 3) of this paragraph within 10 working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan.

3. Control over the execution of this order shall be assigned to the supervising Vice-Minister for Investment and Development of the Republic of Kazakhstan.

4. This Order shall be put into effect after ten calendar days after the date of its first official publication.

Minister

*for Investments and Development
of the Republic of Kazakhstan*

A. Issekeshov

"AGREED"

Minister of National
Economy of the Republic of Kazakhstan
E. Dossayev

27 April, 2015

Approved by the order of the
Minister for Investments
and Development of the Republic
of Kazakhstan
No. 478, on April 21, 2017

State Service Standard

"Conclusion of an Investment Agreement on the Implementation of an Investment Project for Providing Investments and Investment Preferences"

1. General provisions

1. State Service Standard "Conclusion of an Investment Agreement on the Implementation of an Investment Project for Providing Investments and Investment Preferences" (hereinafter – the State Service).

2. The State Service Standard is developed by the Ministry for Investments and Development of the Republic of Kazakhstan (hereinafter – the Ministry).

3. The State Service is provided by the Committee for Investments of the Ministry (hereinafter – the Service Provider).

Acceptance of applications and issuance of the results of the State Service shall be carried out through the office of the Service Provider.

2. The procedure for the provision of the state service

4. Term of rendering of the state service:

1) from the date of submission of documents to the Service Provider – 35 (thirty five) working days, except for the provision of investment subsidies;

the investment subsidy shall be provided in the order and on terms established by the Decree of the Government of the Republic of Kazakhstan No. 1120, dated December 29, 2015 “On approval of the Rules of the Provision of Investment Subsidies”;

2) maximum permissible waiting period for submission of documents shall be 20 (twenty) minutes;

3) maximum service time shall be 20 (twenty) minutes.

Footnote. Paragraph 4 as amended by the Order No. 667 of the Minister for Investments and Development of the Republic of Kazakhstan dated 16.09.2016 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

5. Form of provision of the state service: paper form.

6. The result of the provision of the State Service is the Conclusion of an Investment Agreement on the Implementation of an Investment Project for Providing Investments and Investment Preferences (hereinafter – the Contract).

The form of providing the result of the provision of the state service: paper form.

7. The State Service is provided free of charge to legal entities (hereinafter – the Service Recipient).

8. The schedule of the Service Provider - Monday to Friday from 9.00 to 18.30, lunch break from 13.00 to 14.30, except weekends and holidays, in accordance with the Labor Legislation of the Republic of Kazakhstan.

Acceptance of applications and delivery of the results of the State Service is carried out from 9.00 to 17.30 with a lunch break from 13.00 to 14.30.

The State Service shall be provided on a first-come, first-served basis, without prior appointment and expedited service.

9. The list of documents required for the provision of state services when the service recipient (or his representative by proxy) is dealing with the Service Provider:

1) application for the provision of investment preferences in the state and Russian languages, in the form according to Annex 1 to this State Service Standard;

2) a copy of the certificate of state (accounting) registration (re-registration) of a legal entity* or a certificate of state registration of the service recipient as a legal entity - for a legal entity;

notice: * certificate of state (accounting) registration (re-registration) of a legal entity (branch, representative office), issued before the enforcement of 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", shall be valid until the termination of activities of the legal entity;

3) a copy of the Charter of the service recipient, certified by the signature of the executive and the seal of the legal entity (if any);

4) business plan of the investment project drawn up in accordance with Annex 2 to this State Service Standard;

5) copies of documents, the list of which is established by the Legislation of the Republic of Kazakhstan, justifying the estimated cost of construction and installation works and the cost of the acquisition of fixed assets, raw materials and (or) materials used in the implementation of the investment project, certified by the signature of the executive and the seal of the service recipient (if any);

6) documents confirming the size (cost) of the state in-kind grant requested by the service recipient, specified in the application of the service recipient and preliminary approval of its provision;

Note from Regional Center of Legal Information!

Subparagraph 7) valid until 01.01.2017 in accordance with the Order of the Minister for Investments and Development of the Republic of Kazakhstan dated 16.09.2016 № 667.

7) certificates of the state revenue body at the place of registration on the absence of tax liabilities, debts in mandatory pension contributions, mandatory professional pension contributions and social contributions.

If the application for investment preferences provides for the provision of an investment subsidy, during the period of implementation of the investment priority project, the investor shall submit the conclusion of the examination of pre-project and (or) project documentation in the manner prescribed by Article 64-1 of the Law of the Republic of Kazakhstan dated July 16, 2001 "On Architectural, Urban Planning and Construction Activities in the Republic of Kazakhstan", certified by the signature of the executive and the seal of the service recipient (if any).

At delivery of all necessary documents by the service recipient to the Service Provider - the mark on its copy on registration in office with indication of date and time of acceptance of a package of documents is the confirmation of acceptance of the application on paper.

The Service Provider shall refuse to provide state services on the following grounds :

1) determination of unreliability of the documents submitted by the service recipient for receiving the State Service and (or) the data (information) contained in them;

2) nonconformity of the submitted documents and (or) data (information) contained in them, necessary for the provision of state services, to the requirements established by Article 292 of the Entrepreneurial Code of the Republic of Kazakhstan;

3) the negative response of the authorized state bodies to the request for approval, which is required for the provision of this state service.

Footnote. Paragraph 9 as amended by the Order No. 667 of the Minister for Investments and Development of the Republic of Kazakhstan dated 16.09.2016 (shall

be enforced upon expiry of ten calendar days after the date of its first official publication).

3. The procedure for appealing decisions, actions (inactions) of the Service Provider and (or) its officials on the provision of State Services

10. Appeal against decisions, actions (inactions) of the Service Provider and (or) its officials on the provision of State Services: the complaint shall be submitted to the head of the Service Provider at: Republic of Kazakhstan, 010000, Astana, Kabanbay batyr Avenue, 32/1, "Transport Tower" building, office No. 2301, phone: 8 (7172) 75 45 50, 75 45 85 or to the Head of the Ministry at: Republic of Kazakhstan, 010000, Astana, Kabanbay batyr Avenue, 32/1, "Transport Tower" building, Office No. 1012, phone: 8 (7172) 75 44 11, 75 45 46.

The complaint is accepted in writing by mail, through the office of the Service Provider or the Ministry.

Confirmation of acceptance of the complaint shall be its registration (stamp, incoming number and date) in the office of the Service Provider or Ministry, indicating the name and initials of the person who accepted the complaint, and the date and place of receipt of the response to the complaint.

The complaint of the service recipient indicates its name, postal address, outgoing number and date. The complaint must be signed by the manager of the service recipient

The complaint of the service recipient received by the Service Provider or the Ministry shall be reviewed within five working days from the date of its registration.

In case of disagreement with the results of the provided state service, the service recipient may file a complaint to the authorized body for evaluation and control of the quality of state services.

The complaint of the service recipient, received by the authorized body for assessment and control over the quality of state services, shall be considered within fifteen working days from the date of its registration.

11. In case of disagreement with the results of the state service, the service recipient shall apply to the court in accordance with the Legislation of the Republic of Kazakhstan.

4. Other requirements taking into account features of rendering the state service

12. Addresses of places where the State Service is rendered shall be placed on the Internet resource of the Service Provider: www.mid.gov.kz, "State services" section.

13. Service recipient has possibility of obtaining information on the procedure and the status of rendering the State Service via remote access through the unified contact center on concerning the provision of the state services.

14. Contact phone numbers of the call center on the provision of state services are listed on the Internet resource of the Service Provider. Unified contact center for the provision of State Services: 1414, 8 800 080 7777.

Footnote. Paragraph 14 as amended by the Order No. 667 of the Minister for Investments and Development of the Republic of Kazakhstan dated 16.09.2016 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Annex 1
to the State Service Standard
"Conclusion of an Investment
Contract for the Implementation of
an Investment Project for
Providing Investments
and Investment Preferences"
form

The application for provision of investment preferences

Footnote. Annex 1 as amended by the Order No. 667 of the Minister for Investments and Development of the Republic of Kazakhstan dated 16.09.2016 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Information about the legal entity of the Republic of Kazakhstan		
1.	Name of legal entity of the Republic of Kazakhstan	
2.	Information on registration (re-registration) of a legal entity of the Republic of Kazakhstan (date, basis)	
3.	Location: legal address, actual location	
4.	Business Identification Number (BIN)	
5.	Manager of the legal entity of the Republic of Kazakhstan	_____ _____ (surname, name, patronymic (if available)) _____ _____ (telephone, fax, e-mail)
		_____ _____

6.	Name of legal entity of the Republic of Kazakhstan	(surname, name, patronymic (if available)) _____ _____ (telephone, fax, e-mail)
7.	The manager of the investment project	(surname, name, patronymic (if available)) _____ _____ (telephone, fax, e-mail)
2. Information about the investment project		
8.	Name of investment project	_____ _____
9.	Place of investment project implementation	_____ _____
10.	Selected priority type (s) of activity for investment (at the class level of the Common Classifier of Economic Activity)	
11.	The volume of investments in fixed assets of a legal entity without value added tax (the costs over the calendar year during which the application for investment preferences is submitted shall be taken into account, and (or) the costs over future periods, except for data on investment strategic projects)	_____ _____ (KZT)
12.	Sources of project financing, the presence: 1) own funds 2) borrowed funds 3) budget funds	1) _____ _____ (name, No., date of the document confirming the availability of own funds) 2) _____ _____ (name, No, date of the document establishing the sources of financing of the project, credit provider) 3) _____ (name, No, date of the document confirming financing from the budget funds)
3. Investment preferences required for project implementation		
13.	Exemption from customs duties on imports: 1) technological equipment, its components;	1) _____ _____ (allowable amount)

	2) spare parts for process equipment, raw materials	2) _____ _____ (allowable amount)
13-1	Exemption from value added tax during import of raw materials and (or) materials	_____ (allowable amount)
14.	Place of customs clearance	
15.	State grant-in-kind	_____ (the documents confirming the preliminary agreement)
16.	Land tax benefits**	_____ (term)
17	Property tax benefits**	_____ (term)
18.	Corporate income tax benefits**	_____ (term)
19.	Investment grant*	_____ _____ (KZT thousand) the sum of expenses for construction and installation works and acquisition of the equipment without the value added tax and excise must be specified
20.	Number of foreign labor* (according to Annex 1 to the Application for Investment Preferences), including: 1) chiefs, 2) specialists with higher education, 3) skilled labor	1) _____ _____ (number of persons) 2) _____ _____ (number of persons) 3) _____ _____ (number of persons)

Notice:

*for a legal entity implementing an investment priority project;

** for a legal entity implementing an investment priority, or investment strategic project.

4. Operating programme for investment project

(name)

Name of investor: _____

Section 1: investments in fixed assets, KZT thousand			
	supporting documentation		calendar year

Cost items	contracting party	No.	date	Date of commissioning of fixed assets	1 half year	2 half year	Total by year	Total
Total by Section 1:								
Section 2: import of spare parts for process equipment, raw materials, quantity								
Cost items	supporting documentation			measurement unit	period of development			Total
	contracting party	No.	date		1 half year	2 half year	Total by year	
1. Spare parts, including:								
2. Raw materials, Including:								
Total by Section 2:								
Section 3: production indicators in volume terms								
Ser. No.	Name of goods, works, services				calendar year			Total
					1 half year	2 half year	Total by year	
Total by Section 3:								

5. List and volume of imported technological equipment and components spare parts, raw materials and materials exempt from customs duties in accordance with the Legislation of the Eurasian Economic Union and (or) the Legislation of the Republic of Kazakhstan.

No.	Name	FEACN CU	Measurement unit	Quantity	Documents that are used to uniquely classify the goods*
1.					
2.					
Total					

Notice:

* Information on the classification of goods should include full commercial name, brand name, main technical and commercial characteristics of goods and other information, including photos, drawings, passports of products and other documents certified by the signature of the chief and the seal of the legal entity making the application.

(Surname, name, patronymic (if available) of the chief _____
of the legal entity (signature, stamp and date)
of the Republic of Kazakhstan

Information about the foreign labor

No.	Surname, name, patronymic (including in Latin letters)	Date of birth	Citizenship/ country of permanent residence	Passport (identity document) number, date and issuing authority	Period of attraction (month, year)
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(Surname, name, patronymic (if available) of the chief
of the legal entity
of the Republic of Kazakhstan

(signature, stamp and date)

Annex 2
to the State Service Standard
"Conclusion of an Investment
Contract for the Implementation
of an Investment Project
for Providing Investments
and Investment Preferences"
form

Requirements for the business plan of the investment project

Footnote. Annex 2 as amended by the Order No. 667 of the Minister for Investments and Development of the Republic of Kazakhstan dated 16.09.2016 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. The business plan consists of the following sections:

- 1) project summary;
- 2) technology section;
- 3) commercial section;
- 4) socio-economic and environmental impact*;
- 5) financial section*.

2. Project summary includes:

1) information about the legal entity:

name of legal entity;

chief of legal entity (position, surname, name and patronymic - if available);

legal and actual addresses of the legal entity, telephone, fax, e-mail;

foreign equity, specifying country;

equity of quasi-public sector;

2) project information:

project name;

project objective;

place of implementation of the investment project (region, district);

the nature of the proposed investment project (creation of new, expansion and renewal of existing production facilities);

number of jobs created (temporary and permanent);

industry affiliation of the project according to the 4-digit general Industry Classification System (Common Classifier of Economic Activity of the Republic of Kazakhstan);

product range according to the Classification of Products by Activity (CPEA of the RK).

3. The technology section includes:

1) description of the technology of the investment project with indication of the acquired and used fixed assets, as well as imported raw materials and materials in the technological process;

2) implementation of modern technologies in the investment project;

3) comparative analysis of alternative solutions for technical and cost characteristics, according to Annex 1 to the Requirements for the Business Plan;

4) the project implementation schedule specified in Annex 2 to the Requirements for the Business Plan.

4. The commercial section includes:

1) supply of raw materials, materials and equipment:

list of raw materials and materials used;

analysis of the market of raw materials (domestic and imported), taking into account the availability of production in the Republic of Kazakhstan and the countries of the Eurasian Economic Union (filled in when importing raw materials);

the average expenditure rate of imported raw materials and materials for the production of a unit of output, using the equipment within the investment project, indicating the name and volume of raw materials and materials used;

list of required equipment;

novelty of equipment (date of manufacture and model of equipment);

suppliers of equipment and raw materials indicating the existence of a contractual relationship with the legal entity that has applied for the provision of investment preferences;

the cost of equipment, including transportation costs, installation and commissioning.

2) marketing:

product sales - indicate which regions, which consumers and which countries abroad it is planned to be supplied to and whether there are similar, interchangeable or

complementary goods or services on the market, assessment of future growth of their production, dynamics of imports and/or exports over the past few years, volume and prices and the main competitors.

5. Socio-economic and environmental impact includes:

1) direct participants of the investment project:

project designer, general contractor, contractor, subcontractor or Service Provider in the field of architectural, urban planning and construction activities (including survey and design activities and engineering services), equipment supplier, supplier of raw materials, intermediaries;

2) demand in the workforce (number of persons) in the form, according to Annex 3 to the Requirements for the Preparation of a Business Plan;

3) data on the attracted foreign labor, their quantity (to be filled in upon implementation of the investment priority project) in the form, according to Appendix 4 to Requirements for the Business Plan;

4) distribution of functional responsibilities of attracted foreign labor (to be filled in upon implementation of the investment priority project);

5) labor demand after commissioning, in the form, according to Annex 5 to the Requirements for the Business Plan;

6) the expected social effect of the investment project;

7) the plan of measures to improve the skills of local personnel for the subsequent replacement of foreign labor (to be filled in upon implementation of the investment priority project);

8) the impact of the project on the environment and the action plan to reduce harmful effects;

9) compliance of the project technology with international standards and regulations on environmental impact.

6. The financial section includes:

1) investment valuation:

total investment costs (investments in fixed and working assets);

2) cost of implementation of the investment project, sources of financing:
own funds;

borrowed funds (loans or borrowed funds of business entities) and / or grant;
budgetary funds;

3) financial analysis:

financial model of the project including calculation of models without taking into account investment preferences and considering the corresponding investment preferences;

net present value for the project life cycle;

internal rate of return for the project life cycle;

payback period of the project (simple and discounted);

simple rate of return (profitability);

calculation of conditional losses and revenues for the national and local budget, in the form, according to Annex 6 to the Requirements for the Business Plan.

7. The Business Plan must be stitched and numbered and certified by the signature of the first chief and the seal of the legal entity (if available).

Notice:

*must not be filled in by the legal entities implementing the investment project.

Appendix 1
Requirements for the Preparation
of the Business Plan of the
Investment Project
form

Comparative analysis of alternative solutions in terms of technical and cost performance

Name of indicators	Indicator values	
	proposed model	analogues
1.		
2.		

Appendix 2
Requirements for the Preparation
of the Business Plan of the
Investment Project
form

Project implementation schedule

Description of the activities	Calendar year		Total
	1 half year	2 half year	
Investments in fixed assets (KZT thousand)			
1.			
2.			
3.			
Investments in raw materials (KZT thousand)			
1.			
2.			
3.			
Number of created and / or maintained jobs			

Appendix 3
Requirements for the Preparation
of the Business Plan of the
Investment Project
form

Project need for human resources (number of persons)

For the construction period		After commissioning (1 year)	
Citizens of the Republic of Kazakhstan	Foreign labor	Citizens of the Republic of Kazakhstan	Foreign labor

Appendix 4
Requirements for the Preparation
of the Business Plan of the
Investment Project
form

Information about the foreign labor

Occupation (wage level, category)	Surname, name, patronymic (including in Latin letters)	Date of birth	Citizenship/ country of permanent residence	Period of attraction (month, year)
1. Chiefs:				
2. Specialists with higher education:				
3. Skilled labor				
Total (persons):				

Appendix 5
Requirements for the Preparation
of the Business Plan of the
Investment Project
form

Labor requirement after commissioning

Ref. No.	Names of occupations	Qualification level (wage level, category)	Quantity

Appendix 6
Requirements for the Preparation
of the Business Plan of the
Investment Project
form

Calculation of conditional losses and revenues for the republican and local budget

The types of mandatory budget	Calendar year		Calendar year		Total	
	Revenues excluding preferences	Revenues including preferences	Revenues excluding preferences	Revenues including preferences	Revenues excluding preferences	Revenues including preferences
Corporate income tax						
Corporate property tax						
Land tax						

Customs duty						
Social tax						
Pension contributions						

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