

**On approval of the Rules for transfer for affinage of scrap and wastes of precious metals converted to state property on separate grounds, into ingots of affined gold and receipt thereof after affinage**

***Unofficial translation***

Resolution of the Board of the National Bank of the Republic of Kazakhstan dated February 29, 2016 № 81. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 15, 2016 № 13598

      *Unofficial translation*

      In accordance with the Laws of the Republic of Kazakhstan dated March 30, 1995 "On National Bank of the Republic of Kazakhstan", dated January 14, 2016 "On precious metals and precious stones" in order to improve the procedure for transfer for affinage of scrap and wastes of precious metals converted to state property on separate grounds, into ingots of affined gold and receipt thereof after affinage the Board of the National Bank of the Republic of Kazakhstan hereby **RESOLVED as follows**:

      1. To approve the attached Rules for transfer for affinage of scrap and waste of precious metals converted to state property on separate grounds, into ingots of affined gold and receipt thereof after affinage.

      2. The Cash Management Department (Abisheva T. T.) in accordance with the procedure established by the legislation of the Republic of Kazakhstan shall:

      1) ensure jointly with the Legal Department (N.V. Sarsenova) the state registration of this resolution with the Ministry of Justice of the Republic of Kazakhstan;

      2) send this resolution to the republican state enterprise on the right of economic management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan":

      for official publication in the information and legal system “Adilet” of the Republic of Kazakhstan within ten calendar days after its state registration with the Ministry of Justice;

      for inclusion in the State Register of Regulatory Legal Acts of the Republic of Kazakhstan, Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan within five working days from the date of its receipt by the National Bank of the Republic of Kazakhstan after the state registration with the Ministry of Justice of the Republic of Kazakhstan;

      3) place this resolution on the official Internet resource of the National Bank of the Republic of Kazakhstan after its official publication.

      3. The Directorate for the Protection of the Rights of Consumers of Financial Services and External Communications (Terentyev A.L.) shall within ten calendar days after its state registration with the Ministry of Justice of the Republic of Kazakhstan send this resolution for the official publication in periodicals.

      4. Control over the execution of this resolution shall be entrusted to the Deputy Chairman of the National Bank of the Republic of Kazakhstan D.T. Galiev

      5. This resolution shall be enforced upon expiry of ten calendar days after the date of its first official publication.

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*Chairman*
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*of the National bank*
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*of the Republic of Kazakhstan*
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*D. Akishev*
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      "AGREED"

      Ministry of Finance

      of the Republic of Kazakhstan

      Minister \_\_\_\_\_\_\_\_\_\_\_ B. Sultanov

      March 17, 2016

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|   | Approvedby resolution № 81of the Boardof the National Bankof the Republic of Kazakhstandated February 29, 2016  |

 **Rules**
**transfer for affinage of scrap and waste of precious metals converted to state property**
**on separate grounds, into ingots of affined gold and receipt thereof after affinage**

 **Chapter 1. General provisions**

      Footnote. Title of Chapter 1- in the wording of the resolution of the Board of National Bank of the RK dated 24.02.2020 № 13 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

      1. These Rules for transfer for affinage of scrap and wastes of precious metals converted to state property on separate grounds, into ingots of affined gold and receipt thereof after affinage (hereinafter referred to as the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan dated January 14, 2016 "On precious metals and precious stones" (hereinafter referred to as the Law on precious metals and precious stones) and shall define the procedure for transfer to affinage of scrap and wastes of precious metals converted to the property of the state on separate grounds, into ingots of affined gold and receipt thereof after affinage.

      The procedure for transfer to affinity of scrap and wastes of precious metals, converted to the property of the state on separate grounds, to ingots of affined gold and obtaining them after affinage shall include:

      transfer for affinage of scrap and wastes of precious metal converted to property of the state on separate grounds into ingots of affined gold;

      obtaining ingots of affined gold after affinage of scrap and wastes of precious metals converted to property of the state on separate grounds, and credit of ingots of affined gold to assets of the National Bank of the Republic of Kazakhstan (hereinafter referred to as the National Bank) in precious metals.

 **Chapter 2. Basic concepts used in the Rules**

      Footnote. Title of Chapter 2- in the wording of the resolution of the Board of the National Bank of the RK dated 24.02.2020 № 13 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

      2. The concepts used in the Rules provided for in the Law on precious metals and precious stones, as well as the following concepts:

      (1) A batch of affined gold ingots - a batch of products consisting of standard affined gold ingots, standard and dimensional affined gold ingots, or dimensional affined gold ingots, and a batch-accompanying sample conforming to a national or international standard;

      2) scrap and wastes of precious metals converted to property of the state on separate grounds, (hereinafter referred to as scrap and wastes of precious metals) - scrap and wastes of precious metals converted to the property of the state on separate grounds, and deposited to the Center of cash transactions and storage of valuables (branch) of the National Bank;

      3) The authorized body for the management of state property - the agency of the central executive body, whose function shall be to organize the work on accounting, storage, evaluation and further use of property converted (received) to the republican property;

      4) other affined precious metals - affined precious metals, except gold, obtained after affinage of scrap and wastes of precious metals, presented in the form of standard and dimensional ingots, and accompanying samples corresponding to their national or international standard;

      5) tests - a set of works carried out in order to establish quantitative and qualitative characteristics of the affined precious metal.

 **Chapter 3. Transfer for affinage of scrap and wastes of precious metals into affined gold ingots**

      Footnote. Title of Chapter 3- in the wording of the resolution of the Board of National Bank of the RK dated 24.02.2020 № 13 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

      3. The National Bank annually until November 20 (inclusive) as of November 1 of this year on the authorized body for management of state property and in terms of its territorial subdivisions shall calculate:

      total weight of scrap of precious metals in terms of the precious metal species and its sample (content);

      total weight of wastes of precious metals.

      4. If under the authorized body for management of state property, its territorial subdivisions there shall be sufficient volume of scrap and wastes of precious metals to receive after their affinage a batch of ingots of affined gold weighing at least 11,025 grams, the National Bank no later than December 5 (inclusive) of the current year shall send for approval to the authorized body for management of state property, its corresponding territorial subdivision as of November 1 of the current year information on the volume of scrap and wastes of precious metals converted to the property of the state on separate grounds according to the form according to Annex 1 to the Rules.

      Information on the amount of scrap and wastes of precious metal sent to the territorial subdivision of the authorized body for the management of state property shall be sent simultaneously to the authorized body for the management of state property as well as to the authorized body for the management of state property.

      5. The authorized body for the management of state property, its respective territorial subdivision, within fifteen working days from the date of its receipt of the information specified in part one of paragraph 4 of the Rules, shall agree or not agree on the volume of scrap and wastes of precious metals specified in the information.

      The agreed volume of scrap and wastes of precious metals shall be transferred by the National Bank for affinage to the ingots of the affined gold on the basis of the contract for affinage works to the subject of precious metal production, performing an affinage of precious metals determined in accordance with the Rules for the purchase of goods, National Bank of the Republic of Kazakhstan, its departments, organizations, within its structure, and legal entities, fifty percent or more of voting shares (shares in the authorized capital) of which shall belong to the National Bank of the Republic of Kazakhstan or shall be in its trust management, and legal entities affiliated with them, approved by the resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 27, 2018, No. 192 registered in the Register of State Registration of Regulatory Legal Acts under No. 17374.

      Footnote. Paragraph 5 as amended by the resolution of the Board of the National Bank of the RK dated 24.02.2020 № 13 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

      6. If as of November 1 of the current year under the authorized body for management of state property, its territorial subdivisions the volume of scrap and wastes of precious metals sufficient to receive after their affinage a batch of ingots of affined gold weighing at least 11,025 grams, the National Bank no later than December 5 (inclusively) of the current year to the authorized body for management of state property, its corresponding territorial subdivision shall send information on the absence as of November 1 of the current year of sufficient volume of scrap and wastes of precious metals for transfer to affinage.

 **Chapter 4. Production of affined gold ingots after affinage of scrap and wastes of precious metals and**
**deposit of affined gold ingots into National Bank assets in precious metals**

      Footnote. Title of Chapter 4- in the wording of the resolution of the Board of the National Bank of the RK dated 24.02.2020 № 13 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

      7. The terms and the procedure for obtaining affined gold ingots by the National Bank from the subject of precious metal production performing the affinage of precious metals, after the affinage of scrap and wastes of precious metals, shall be determined by the terms of the contract for the performance of affinage works.

      8. The procedure for carrying out tests of ingots of affined gold obtained after affinage of scrap and wastes of precious metals, other affined precious metals and presentation of claims on quality of ingots of affined gold, other affined precious metals shall be determined by the terms of the contract for performance of works on affinage.

      9. The National Bank within twenty working days from the date of establishing, on the basis of the results of the tests carried out, the proper quality of the affined gold ingots, obtained after affinage of scrap and wastes of precious metals, other affined precious metals or from the day of settlement with the subject of precious metals production, carrying out affinage of precious metals, claims on quality of ingots of affined gold, obtained after affinage of scrap and wastes of precious metals, other affined precious metals shall:

      1) calculate the amount of costs associated with the processing of scrap and wastes of precious metals and send the following information to the authorized body for the management of state property, its respective territorial subdivision:

      the calculated amount of the costs referred to in paragraph 1 of this subparagraph;

      quantity and total weight of ingots of affined gold obtained after affinage of scrap and wastes of precious metals, and other affined precious metals;

      the need to obtain from the National Bank other affined precious metals, as well as actual losses related to testing of other affined precious metals;

      2) credit in the assets of the National Bank in precious metals the ingots of affined gold obtained after the affinage of scrap and wastes of precious metals;

      3) transfer to the budget the value of affined gold ingots obtained after the affinage of scrap and wastes of precious metals, including the sample accompanying the batch of affined gold ingots, less the costs associated with the processing of scrap and wastes of precious metals.

      The authorized body for state property management, its respective territorial subdivision, within twenty working days from the date of receipt of the information specified in subparagraph 1) of part one of this paragraph, shall receive from the National Bank other affined precious metals under the act of issue of valuables in accordance with Annex 2 to the Rules. At the same time, actual losses related to testing of other affined precious metals shall not be compensated.

      10. The value of affined gold ingots obtained after the affinage of scrap and wastes of precious metals and credited to the National Bank assets in precious metals, including the sample accompanying the batch of affined gold ingots, shall be determined in KZT on the basis of the official exchange rate of KZT to the US dollars as of the date of the deposit of the specified affined gold ingots in the National Bank assets in precious metals, and morning London bullion market association on gold as of the date of deposit of the given ingots of affined gold into the assets of the National Bank in precious metals.

      In case the ingots of the affined gold received after the affinage of scrap and wastes of precious metals shall not meet the international standards adopted by the London bullion market association and designated in documents of this association as the "London good delivery", then when determining their cost the discount (discount) for quality shall be applied.

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|   | Appendix 1to Rules for transfer for affinageof scrap and wastes of precious metals, converted to state property on separate grounds into ingots ofaffined gold and receipt thereof after affinage  |

      Form

 **Information on the volume of scrap and wastes of precious metals,**
**converted to state property on separate grounds as of November 1 \_\_\_\_\_**

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (Name of state body,

      for which information shall be provided)

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№ r/n |
Name of valuables |
Lump, gram |
Chemically pure weight, gram (if available) |
note |
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|   | Appendix 2to Rules for transfer for affinageof scrap and wastes of precious metals, converted to state property on separate grounds into ingots ofaffined gold and receipt thereof after affinage  |

      Form

 **Center of cash operations and storage of valuables (branch)**
**of the National Bank of the Republic of Kazakhstan**

      № of the copy \_\_\_

      Approved

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      <Position>

      <Initials Surname>

      "\_\_\_" \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_

 **Act**
**of deliveries of valuables**

      № \_\_\_\_\_\_

      Value Name: < Account Name >

      Owner: <Name of the owner>

      Basis for issue: Document Title № "Document Number" dated "Date"

      It is given actually out:

      Quantity, pieces/seats: < In numbers > (< In words >)

      Total/ligature weight \*, grams: < In numbers > (<In words >)

      Ligature weight, ounces: < In numbers > (<In words >)

      Mass chemically pure, grams: < In numbers > (<In words >)

      Mass chemically pure, ounces: < In numbers > (<In words >)

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Kind of packing |
Quantity |
Description of printing |
Quantity |
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      Owner's representative: < First name, last name, patronymic name (if any) >

      When receiving valuables, the power of attorney № <Number> dated <Date> have been presented

      Issued valuables have been written off from the owner's account <Account Name>: <Owner Name>

      The inventory balance\*\*:

      According to the document: <Document title> № <Document number> dated <Date>:

      Quantity: <In numbers>

      Total/ligature weight \*, grams: < In numbers >

      Mass chemically pure, gram: < In numbers>

      Issued:

      <Position> \_\_\_\_\_\_\_\_ <Initials Surname>

      <Position> \_\_\_\_\_\_\_\_ <Initials Surname>

      Accepted:

      Representative of the owner \_\_\_ <Initials Surname>

      We hereby confirm delivery of valuables:

      <Position> \_\_\_\_\_\_\_\_\_<Initials Surname>

      <Position> \_\_\_\_\_\_\_\_ <Initials Surname>

      <Position> \_\_\_\_\_\_\_\_ <Initials Surname>

      The act is drawn up in 2 copies: 1st - in the case, 2nd - to the owner, copy of 1st copy - to the accounting department.

      № <Registration Number> dated <Date>

      Performer: <Initials Surname>

      Note:

      *\* - Ligature mass shall be specified for precious metals in ingots and granules, as well as Dore alloy, cathode gold, scrap, technical products in the form of alloys, and the total mass shall be specified for articles with inserts;*

      *\* \* - shall be reflected if there is a balance of valuables in storage*

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