



On approval of the Rules for subsidizing interest rates on loan and leasing obligations within the framework of the direction for financial rehabilitation of entities of the agro-industrial complex

Unofficial translation

Order of the Minister of Agriculture of the Republic of Kazakhstan dated May 5, 2016 No. 205. Registered in the Ministry of Justice of the Republic of Kazakhstan on July 4, 2016 No. 13876.

Unofficial translation

Footnote. The heading is in the wording of the order of the Minister of Agriculture of the Republic of Kazakhstan dated 01.06.2020 No. 193 (shall be enforced upon expiry of 10 (ten) calendar days after the day of its first official publication).

In accordance with subparagraph 41) of paragraph 1 of Article 6 of the Law of the Republic of Kazakhstan dated July 8, 2005 "On state regulation of the development of the agro-industrial complex and rural areas" and subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" **I HEREBY ORDER:**

Footnote. The preamble is in the wording of the order of the Minister of Agriculture of the Republic of Kazakhstan dated 01.06.2020 No. 193 (shall be enforced upon expiry of 10 (ten) calendar days after the day of its first official publication).

1. To approve the Rules for subsidizing interest rates on loan and leasing obligations within the framework of the direction for financial rehabilitation of entities of the agro-industrial complex in accordance with Appendix 1 to this order.

Footnote. Paragraph 1 is in the wording of the order of the Minister of Agriculture of the Republic of Kazakhstan dated 01.06.2020 No. 193 (shall be enforced upon expiry of 10 (ten) calendar days after the day of its first official publication).

2. To declare invalid the orders of the Minister of Agriculture of the Republic of Kazakhstan, in accordance with appendix 2 to this order.

3. The Department of investment policy and financial instruments of the Ministry of Agriculture of the Republic of Kazakhstan, in the manner prescribed by law, to ensure:

- 1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
- 2) within ten calendar days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, sending of its copy to the official publication in periodicals and in the legal information system "Adilet", as well as within five working days to the Republican State Enterprise "Republican Legal Information Center" for placement in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan;

3) placement of this order on the Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan and the intranet portal of government bodies.

4. The supervising vice minister of agriculture of the Republic of Kazakhstan shall be authorized to oversee the execution of this order.

5. This order shall come into force after the day of its first official publication.

*Minister of agriculture of the
Republic of Kazakhstan*

A. Mamytbekov

"AGREED"

Minister of finance of the
Republic of Kazakhstan

_____ B. Sultanov

May 13, 2016

"AGREED"

Minister of national economy of the
Republic of Kazakhstan

_____ K. Bishimbayev

June 7, 2016

Appendix 1
to the order of the Minister of
agriculture of the
Republic of Kazakhstan
dated May 5, 2016, № 205

Rules

for subsidizing interest rates on credit and leasing obligations within the framework of the direction for financial rehabilitation of entities of the agro-industrial complex

Footnote. The Rules are in the wording of the order of the Minister of Agriculture of the Republic of Kazakhstan dated 01.06.2020 No. 193 (shall be enforced upon expiry of 10 (ten) calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for subsidizing interest rates on credit and leasing obligations within the framework of the financial rehabilitation of entities of the agro-industrial complex (hereinafter - the Rules) have been developed in accordance with subparagraph 41) of paragraph 1 of Article 6 of the Law of the Republic of Kazakhstan dated July 8, 2005 "On state regulation of development of agro-industrial complex and rural areas", as well as in accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On Public Services" (hereinafter - the Law) shall determine the procedure for subsidizing interest rates on credit and leasing obligations within the framework of the direction for financial rehabilitation of entities of the agro-industrial complex (

hereinafter - AIC) approved by the commission for financial rehabilitation in 2013-2015 and the provision of a state service "Subsidizing interest rates on credit and leasing obligations within the framework of financial rehabilitation of entities of the agro-industrial complex".

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

1) a personal cabinet - a personal web page of a user (borrower, financial institution/financial agent, working body) in the registry;

2) a personal account - an account opened in the state subsidizing information system, reflecting information about the user registered in the registry, necessary for his/her identification (authentication) and providing access to his/her personal data and settings;

3) is excluded by the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023);

4) committee of creditors - a commission formed from representatives of financial institutions-creditors, with the possibility of including a representative of the relevant industry association for each individual borrower;

5) accounts payable - obligations of the borrower that have arisen to other economic entities in connection with the replenishment of working capital, the acquisition of fixed assets, the leasing of agricultural and special machinery, technological equipment, as well as refinancing of obligations to other creditors;

6) credit and leasing obligations - obligations of the borrower, in respect of whom it is possible to apply measures of financial rehabilitation within the framework of these Rules, incurred by financial institutions in connection with obtaining a credit/leasing for the purpose of replenishing working capital, acquiring fixed assets and construction, as well as refinancing debt arising in connection with obtaining a credit/leasing for the above purposes;

7) restructuring of credit and leasing obligations - increasing the repayment terms, changing the order and sequence of repayment of payments, changing the interest rate, as well as providing a grace period for repaying existing credit and leasing obligations of borrowers;

8) refinancing of loan/creditor and leasing obligations - providing borrowers with new targeted loans, or replacing previously issued loans by concluding additional agreements with long-term repayment periods, a low interest rate, and a grace period for repaying existing debts;

9) is excluded by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023);

10) a financial agent - a national management holding company operating in the field of agro-industrial complex;

11) financial institutions - second-tier banks, organizations carrying out certain types of banking operations, credit partnerships in the field of agro-industrial complex, microfinance/microcredit organizations, leasing companies operating in the field of agro-industrial complex

;

12) financial rehabilitation - restructuring, refinancing of loan/creditor and leasing obligations of borrowers used to replenish working capital, purchase of fixed assets and construction, leasing technological equipment, agricultural machinery, as well as refinancing debt arising in connection with obtaining a loan/leasing for the above goals, supported by the state in the form of subsidizing the remuneration rate;

13) a working body for the distribution of subsidy funds under the commissions for financial rehabilitation (hereinafter - the working body (service provider)) - a structural subdivision of the local executive body of regions, cities of republican significance, and the capital, performing functions in the field of agriculture of the akimats;

14) a decision of the commission for financial rehabilitation - a decision to approve/disapprove the financial rehabilitation in relation to the borrower;

15) a borrower (a service recipient) - individuals or legal entities operating in the agro-industrial complex, including the processing and sale of agricultural products and having loan/creditor and leasing obligations;

16) funds of funding - borrowed funds of a financial agent provided to financial institutions for subsequent restructuring/refinancing of credit and leasing obligations of borrowers (service recipients);

17) subsidizing interest rates - a form of state support for AIC entities used for partial reimbursement of expenses paid by a borrower (service recipient) to a financial institution, as remuneration for loan and/or leasing obligations;

18) an application for subsidizing - an electronic application of a financial institution for payment of interest rates for the financial rehabilitation of AIC entities;

19) an electronic registry of applications for subsidizing (hereinafter - the registry) - a set of information about applications for subsidizing, as well as about borrowers (service recipients), financial institutions, and other information reflected in the state information system of subsidizing;

20) a state information system of subsidizing (hereinafter - SISS) - an organizationally structured set of information and communication technologies, service personnel, and technical documentation, designed to provide services for the implementation of subsidizing processes, which provides the opportunity to register an application for changing the conditions of subsidizing, as well as its processing through automatic verification of the application for compliance with the conditions of subsidization;

21) web portal of the state information system of subsidizing (hereinafter- the web portal) - an Internet resource located on the Internet, providing access to the SISS;

22) technological equipment - equipment for the production and processing of agricultural products, consisting of direct-use and auxiliary equipment, without which the full technological cycle cannot be provided;

23) the web portal of "electronic government" - an information system that is a single window of access to all consolidated government information, including the regulatory legal

framework, and to public services, services for issuing technical conditions for connecting to networks of natural monopoly entities and services of entities of quasi-state sectors provided in electronic form;

24) electronic digital signature (hereinafter - EDS) - a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its ownership, and the invariance of the content

Footnote. Paragraph 2 as amended by the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023).

3. Subsidizing of interest rates shall be carried out in relation to borrowers (service recipients) whose applications for subsidizing were approved by the financial rehabilitation commission in 2013-2015, including those approved with suspensive conditions.

4. Financial rehabilitation shall be carried out for loan/creditor and leasing obligations that arose before January 1, 2014.

5. Agreements on loan and leasing obligations of borrowers (service recipients) shall be subject to subsidizing interest rates with the exception of agreements under which support is provided in the form of subsidizing interest rates in the framework of other state and/or government programs.

6. Financial rehabilitation of loan and leasing obligations of borrowers (service recipients) financed from the funds of the republican budget and (or) funds of the National Fund of the Republic of Kazakhstan shall be carried out subject to their replacement with financial resources from extra-budgetary funds by replacing the source of financing.

7. The activities of borrowers (service recipients) that are in the process of changing the organizational-legal form, liquidation, or bankruptcy, with the exception of cases of restructuring the financial debt of borrowers (service recipients), as well as borrowers (service recipients) that are in an accelerated rehabilitation procedure or a rehabilitation procedure, shall not be subject to financial rehabilitation. At the same time, borrowers (service recipients) for whom a decision of the financial rehabilitation commission has been made to terminate subsidizing shall not participate in the financial rehabilitation procedure again.

8. Financial rehabilitation shall be carried out subject to the write-off of accrued fines and penalties by financial institutions, the accrued overdue interest is made with installment payment in a separate schedule (without capitalization in the main debt) with an interest rate of not more than 0.1% per annum, unless there is the consent of the borrower (service recipient) for the capitalization of the overdue interest in the principal debt.

9. Subsidizing interest rates shall be carried out subject to the simultaneous observance of conditions specified in subparagraphs 1) and 3) or subparagraphs 2) and 3) of this paragraph:

1) increasing by financial institutions of the terms for repayment of loan and leasing obligations of borrowers (service recipients) for a period not exceeding 9 (nine) years;

2) refinancing the accounts payable of AIC entities to other business entities with their replacement for loans from financial institutions with a repayment period of not more than 9 (nine) years, or replacing previously issued loans by concluding additional agreements;

3) compliance with the criteria for subsidizing interest rates in the course of restructuring/refinancing of loan/creditor and leasing obligations by the borrower (service recipient) specified in paragraph 16 of these Rules, as well as compliance with the parity participation of the parties in financial rehabilitation specified in paragraph 0 of these Rules.

10. During the financial rehabilitation of borrowers, the interested parties shall undertake the following obligations:

1) financial institutions, in the event of financial rehabilitation at the expense of their own funds or attracted without the participation of a financial agent, in accordance with paragraph 8 of these Rules, shall write off fines and penalties on restructured/refinanced loans/leasing and set the interest rate on a restructured loan no more than 14 (fourteen) % per annum in tenge and not more than 10 (ten) % in foreign currency; extend the loan repayment period for a period of not more than 9 (nine) years or provide new loans with an interest rate of not more than 14 (fourteen)% per annum in tenge and 10 (ten)% in foreign currency, with a repayment period of not more than 9 (nine) years or replace previously issued loans by concluding additional agreements. At the same time, if the interest rate on a loan of a financial institution is equal to or lower than 14 (fourteen)% per annum, then 7 (seven)% per annum in tenge and 5 (five)% in foreign currency shall be subsidized by the state, the difference shall be paid by the borrower (service recipient).

Financial institutions, in the event of financial rehabilitation at the expense of funding with the participation of a financial agent, in accordance with paragraph 8 of these Rules, shall write off fines and penalties on restructured/refinanced loans/leasing and set the interest rate on a restructured loan no more than 7 (seven)% per annum in tenge and 5 (five) % per annum in foreign currency; shall extend the loan repayment terms for a period of not more than 9 (nine) years or provide new loans with an interest rate of not more than 7 (seven)% per annum in tenge and 5 (five)% per annum in foreign currency with a repayment period of not more than 9 (nine) years or replace previously issued loans by concluding additional agreements;

2) borrowers (service recipients) shall take all measures for the stable payment of the principal debt, restructured/refinanced loan, and interest on it, exclude the distribution of net profit until the full repayment of the debt and interest on it;

3) owners of borrowers (service recipients) shall provide support by not distributing all profits among the participants until the borrowers (service recipients) fully repay their obligations to financial institutions under the terms of financial rehabilitation, additional capitalization, attracting investors, fully assisting financial institutions in fulfilling the conditions of financial rehabilitation.

11. The interest rate for the placement of funding shall be set at no more than 10 (ten)% per annum in tenge, of which 7 (seven)% is subsidized by the state and no more than 6 (six)% per annum in foreign currency, 5 (five)% of which are subsidized by the state on the basis of a decision of the commission for financial rehabilitation, for the subsequent placement of funding funds by a financial agent in financial institutions.

12. Funding funds shall be placed by a financial agent in financial institutions with an interest rate of not more than 3 (three)% per annum in tenge and 1 (one)% in foreign currency

13. Subsidizing interest rates without the participation of a financial agent shall be carried out by reducing it on credit and leasing obligations of borrowers (service recipients) by 7 (seven)% per annum in tenge and by 5 (five)% in foreign currency.

14. The provision of funds for subsidizing interest rates on restructured/refinanced loan/leasing/creditor obligations of borrowers (service recipients) with the participation of a financial agent shall be carried out under a valid (concluded) bilateral agreement between the working body (service provider) and the financial agent (hereinafter - the subsidizing agreement).

15. In the first half of 2017, the financial institution updates plans for the financial rehabilitation of AIC entities and sends them to the working body (service provider).

The working body (service provider) within a month submits updated plans for the financial rehabilitation of AIC entities to the meeting of the commission for financial rehabilitation.

In the absence of updated plans for the financial rehabilitation of AIC entities, subsidy agreements shall be subject to exclusion from the financial rehabilitation program of AIC entities by decision of the working body (service provider) after three months from the date of entry into force of these Rules.

16. Subsidizing interest rates can be carried out on loan/creditor and leasing obligations of the borrower (service recipient), as well as on obligations pegged to foreign currency. In this case, the amounts of subsidies shall be paid in tenge at the rate established by the National Bank of the Republic of Kazakhstan on the date of transfer of the amounts of subsidies. In the event of a positive exchange difference, it shall be credited against future subsidies, and in the event of a negative exchange difference, it shall be paid by the borrower (service recipient).

17. When subsidizing with the participation of a financial agent, the amount of subsidies shall be provided to the financial agent in the amount of 7 (seven)% of the total amount of funding placed in financial institutions in tenge and 5 (five)% per annum placed in foreign currency. At the same time, the amount of the subsidy shall be determined taking into account the annual return of funding by financial institutions.

18. When subsidizing with the participation of a financial agent, the amount of funding and the terms of their repayment do not exceed the amount of the principal debt and the terms

of validity of credit and leasing obligations of borrowers (service recipients) restructured/refinanced by financial institutions.

Chapter 2. Conditions for receiving subsidies

19. Subsidies shall be paid subject to the following conditions:

1) submission by a financial institution/financial agent of an application for subsidies in the form according to Appendix 1 to these Rules, through the web portal of "electronic government".

The list of basic requirements for the provision of a public service "Subsidizing interest rates on credit and leasing obligations within the framework of the direction for the financial rehabilitation of entities of the agro-industrial complex" is set out in Appendix 2 to these Rules.

The working body (service provider) shall ensure that data on the stage of obtaining subsidies is entered into the information system for monitoring the provision of public services.

Information interaction of the "electronic government" web portal and the SISS shall be carried out in accordance with Article 43 of the Law of the Republic of Kazakhstan "On Informatization";

2) registration of an application for subsidizing in the SISS;

3) presence of a personal account of a financial institution/financial agent in the SISS, the data of which is confirmed as a result of information interaction of the SISS with the state databases "Legal entities" or "Individuals";

4) availability of a valid (not canceled and not terminated) agreement on subsidizing interest rates in the financial rehabilitation of AIC entities on the basis of the submitted application for subsidizing;

5) the borrower (service recipient) has no overdue obligations on the principal debt and/or interest under the subsidized loan agreement (at the time of application for payment).

Footnote. Paragraph 19 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

Chapter 3. The procedure for payment of subsidies

20. Subsidizing includes the following processes:

1) submitting an application for subsidizing;

2) payment of a subsidy;

3) amendment of the subsidizing agreement;

4) termination of the subsidizing agreement.

21. The decision of the working body (service provider) is signed by the digital signature of the first head of the working body (service provider).

22. To open a personal account in SISS:

1) a financial institution/financial agent has an EDS for self-registration in the SISS;

2) the working body (service provider), financial institution/financial agent annually sends updated lists of employees with EDS to the Ministry of Agriculture of the Republic of Kazakhstan (hereinafter - the Ministry).

Footnote. Paragraph 22 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

23. For registration when opening personal accounts by a financial institution/financial agent, the following information is indicated:

1) for legal entities: business identification number (hereinafter - BIN), full name; surname, name, and patronymic (if any) and individual identification number (hereinafter - IIN) of the first head;

2) for individual entrepreneurs: IIN, surname, name, and patronymic (if any);

3) contact details (postal address, phone number, e-mail address);

4) details of the current account of a second-tier bank.

When changing the above data, the financial institution/financial agent changes the personal account data entered in the Personal cabinet within one working day.

24. The formation and registration of an application for subsidizing shall be carried out in the Personal cabinet in the following order:

1) an application for subsidizing shall be formed with the information necessary for checking the SISS;

2) an application for subsidizing shall be registered in the SISS by signing it by a financial institution/financial agent using an EDS and becomes available in the Personal cabinet of the working body (service provider). An electronic notification shall be sent to the e-mail address of the working body (service provider) about the receipt of an application for subsidizing for consideration;

3) confirmation of the acceptance of an application is the corresponding status in the Personal cabinet of a financial institution/financial agent in the SISS on acceptance of the request for the provision of a public service.

Footnote. Paragraph 24 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

25. The subsidizing agreement provides for the right of the working body (service provider) to unilaterally terminate it in the following cases:

1) misuse of funds under a loan agreement;

2) arrest of the borrower's accounts (service recipient's) by a court decision, which entered into force after the approval of participation in the financial rehabilitation program;

3) the existence of overdue obligations by the borrower (service recipient) to repay the principal debt and/or remuneration for more than 90 (ninety) calendar days;

4) full repayment by the borrower (service recipient) of obligations to the financial institution under the restructured/refinanced loan/leasing agreement. The date of termination of subsidizing interest rates will be the date of full fulfillment of obligations by the borrower (service recipient) to the financial institution under the restructured/refinanced loan/leasing agreement;

5) initiatives (written request) of the borrower (service recipient) to terminate subsidies;

6) financial agent's initiatives to terminate subsidies;

7) non-fulfillment by the borrower (service recipient) of the plan for the financial rehabilitation of AIC entities within 2 (two) years.

26. The responsible executor of the working body (service provider) within 1 (one) working day from the date of registration of the application for subsidizing shall confirm its acceptance by signing it using an EDS. This notification becomes available in the Personal cabinet of the financial institution/financial agent in the SISS in case of self-registration.

Footnote. Paragraph 26 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

27. The responsible executor of the working body (service provider), in accordance with the Plan of financing, shall form in the SISS payment orders for the payment of subsidies, uploaded to the information system "Treasury-Client", signed by the EDS of the head of the working body (service provider) within 2 (two) working days after filing an application for subsidies in accordance with paragraph 26 of these Rules.

For applications for subsidizing in which the amount of subsidies exceeds the amount of budgetary funds provided for in the Plan of financing for the corresponding month, the payment of subsidies shall be carried out in the next month in the order of priority from the moment the application for subsidizing is submitted.

Footnote. Paragraph 27 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

27-1. The hearing procedure shall be carried out in accordance with Article 73 of the Administrative Procedure and Procedural Code of the Republic of Kazakhstan (hereinafter - APPC of the RK).

Footnote. The rules are supplemented by paragraph 27-1 in accordance with the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023).

28. The accrual of funds for subsidizing interest rates on credit and leasing obligations begins from the date of conclusion of an agreement on restructuring/refinancing of obligations, signed by the borrower (service recipient) and the financial institution. Payment of subsidizing funds shall be carried out until the end of the term of the subsidizing agreement, from the moment of its conclusion at the expense and within the limits of the funds provided for in the relevant budget program. At the same time, the distribution of funds for subsidizing shall be carried out taking into account previously concluded subsidizing agreements.

29. If, before the formation of payment orders by the responsible executor of the working body (service provider), there is a discrepancy between the data in the registered application for subsidies, the borrower (service recipient) may withdraw the application for subsidies, indicating the reason for the withdrawal.

30. A financial institution/financial agent opens a special bank account for the transfer (service provider) of subsidy amounts under concluded subsidy agreements by the working body, and in the absence of such an opportunity, opens a special account with a servicing bank.

31. The financial institution/financial agent uses funds in a special bank account only to pay the subsidized part of the interest rate to the borrower (service recipient) under the loan agreement.

32. When receiving from the borrower (service recipient) the non-subsidized part of the interest rates, the financial institution writes off the subsidized part of the interest rate from the special bank account in accordance with the repayment schedule for the restructured/refinanced loan/leasing agreement.

33. In the event of the due date of payment under the restructured/refinanced loan/leasing agreement and there are no funds on the special bank account of the financial institution to pay the subsidized part of the interest rate, the borrower (service recipient) shall pay the full interest rate at his/her own expense. The financial institution in the SISS shall notify the borrower (service recipient) at least 5 (five) business days before the due date of the payment of the need to pay the full interest rate at its own expense. The subsidized part of the remuneration rate shall be reimbursed by the working body (service provider) by crediting funds to a special bank account of a financial institution. In this case, the financial institution reimburses the borrower (service recipient) for the previously paid, subsidized part of the interest rate by transferring the subsidized interest rate to the current account of the borrower (service recipient).

Footnote. Paragraph 33 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

34. The working body (service provider) shall monthly form in the SISS a consolidated amount in accordance with the concluded subsidizing agreements and transfer the subsidized part of the interest rate as an advance payment to a special bank account of the financial

institution on a monthly basis, in the month preceding the month in which the next payment of subsidies is made.

Footnote. Paragraph 34 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

35. The working body (service provider) within 3 (three) working days from the date of receipt of the notification to the SISS from the financial institution to change the terms of the current subsidizing agreement shall:

1) check the compliance of the amended terms of the subsidizing agreement with the conditions established by these Rules;

2) if the proposed changes comply with the conditions of these Rules, adopt and draw up a decision to amend the subsidizing agreement by signing it with the EDS of the head of the working body (service provider) and notify the borrower (service recipient) about this within 2 (two) working days.

In the event of a change in the terms of restructured/refinanced loan and leasing agreements, the financial institution receives the consent of the borrower (service recipient) to use information constituting a legally protected secret contained in information systems.

Footnote. Paragraph 35 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

36. In the event of the formation of a balance of unused funds on a special account, their return shall be ensured:

1) when a borrower (service recipient) is excluded from the program by a financial institution within one month after the decision is made by the working body (service provider);

2) when changing the terms of the current loan agreement, as well as early repayment of the principal debt by a financial institution within 5 (five) working days after the submission of quarterly reports;

3) if the borrower (service recipient) fails to fulfill obligations to repay the planned payment of the principal debt and/or remuneration for a period of more than 90 (ninety) calendar days in a row within 10 (ten) working days from the date of receipt of information from the working body (service provider) on the termination of subsidizing the borrower (service recipient).

At the same time, the return of payments made in the current financial year shall be carried out by restoring the cash expenses of the working body (service provider) by increasing the amount of outstanding obligations and reducing cash expenses according to the corresponding codes of the budget classification of expenses. In the event of a refund of payments from previous years, the refund amount shall be credited to the income of the relevant budget from which the payments were made.

37. Changing the terms and conditions of restructured/refinanced loan and leasing agreements (remuneration rate, repayment period, deferral of principal, and/or remuneration payment) is possible no more than once a year. At the same time, in the event of a change (extension) of the terms of validity, restructured/refinanced credit and leasing agreements, the terms of subsidies shall not be extended, and capitalization of remuneration into the main debt shall not be allowed.

The financial institution/financial agent in the SISS notifies the working body (service provider) of this with a copy of the decision made to change the terms of financing, an updated schedule for repayment of the principal debt, remuneration and the amount of subsidies.

Footnote. Paragraph 37 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

38. An additional agreement to the subsidizing agreement with the updated subsidizing schedule of the borrower (service recipient shall be) concluded on the basis of a decision of the working body (service provider) between the financial institution/financial agent and the working body (service provider), within 5 (five) working days from the date of receipt by the financial institution/financial agent of the notification of the working body (service provider) about a positive decision to amend the subsidizing agreement.

At the same time, an amendment in the subsidizing agreement shall be allowed provided that the amendment in the relevant loan agreement was made by the financial institution in agreement with the borrower (service recipient) (not unilaterally).

39. In the event that a financial institution changes the terms of the current restructured/refinanced loan/leasing agreement (interest rate, remuneration payment period, granting a deferral for the payment of principal and/or remuneration), the financial institution shall send a notification within 10 (ten) calendar days in the SISS with a package of documents containing a copy of the decision to change the terms of financing, an updated schedule for repayment of the principal debt and remuneration for transfer to the working body (service provider).

Footnote. Paragraph 39 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

40. If the terms of these Rules are not met and a negative decision is made by the working body (service provider), the terms of the current restructured/refinanced loan/leasing agreement shall remain unchanged.

In the event of partial early repayment of the principal debt by the borrower (service recipient) under a restructured/refinanced loan agreement, the financial institution shall credit subsidies calculated upon the accrued interest.

When a positive decision is made, the responsible executor of the working body (service provider) within 10 (ten) working days shall make appropriate changes to the subsidizing agreement without the participation of a financial agent in compliance with the conditions of paragraph 35 of these Rules.

41. If the financial institution plans to change the terms of the current restructured/refinanced loan/creditor/leasing agreement (granting a deferral for the payment of the entire amount of the principal debt or part thereof), it shall notify the financial agent in writing within 5 (five) working days.

The financial agent, within 5 (five) working days from the date of receipt of the notification, shall send the financial institution a letter of consent or disagreement to change the principal repayment schedule or part thereof.

The financial institution, on the basis of a letter from the financial agent, shall take one of the following actions:

1) in case of agreement of the financial to change the repayment schedule for the entire amount of the principal debt or part of it, sends a notification to the SISS to the responsible executor of the working body (service provider) with a package of documents containing a copy of the decision taken to change the financing conditions, an updated principal repayment schedule and a letter from the financial agent

2) in case of disagreement of the financial agent to change the repayment schedule of the principal debt or part of it, sends a notification to the SISS to the responsible executor of the working body (service provider) with a package of documents regarding the consideration of the possibility of further application of financial rehabilitation measures to the borrower (service recipient) without the participation of funding funds.

Footnote. Paragraph 41 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

42. If there is a letter of consent from the financial agent and compliance with the terms of these Rules, the responsible executor of the working body (service provider) within 10 (ten) working days shall make appropriate changes to the subsidizing agreement of the financial agent in compliance with the conditions of paragraph 34 of these Rules.

If the financial agent disagrees, the working body (service provider) within 15 (fifteen) working days shall terminate the subsidizing agreement of the financial agent and conclude a subsidizing agreement without the participation of the financial agent in compliance with the conditions of paragraphs 10 and 34 of these Rules.

43. The financial institution, within 10 (ten) working days after signing the subsidizing agreement, shall return the funding funds to the financial agent.

The balance of unused funds shall be returned by the financial agent in accordance with paragraph 36 of these Rules.

44. A financial institution/financial agent, from the day when it became aware of the occurrence of an event that is the basis for the unilateral termination of the subsidizing agreement by the working body (service provider), must notify the working body (service provider) of such an event within 5 (five) working days in the SISS.

The working body (service provider) within 5 (five) working days from the date of receipt of the notification from the financial institution/financial agent shall make and execute a decision to terminate the subsidizing agreement and notify the financial institution/financial agent about it.

The subsidizing agreement is considered terminated from the day the financial institution/financial agent receives notification of the relevant decision of the working body (service provider).

Footnote. Paragraph 44 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

45. The borrower (service recipient) shall be sent a notification of the result of granting subsidies in the form of an electronic document signed by the EDS of the head of the working body (service provider) in accordance with Appendices 3 and 4 to these Rules.

The notification shall be sent to the e-mail address specified by the borrower (service recipient) when registering with the SISS, as well as to the Personal cabinet in the SISS.

Footnote. Paragraph 45 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

46. Refusal to provide subsidizing of the borrower (service recipient) shall be carried out on the grounds set forth in Appendix 2 to these Rules.

47. In the event of a failure of the SISS, which contains the necessary information for the issuance of subsidies, the working body (service provider) shall immediately notify the Ministry of the situation that has arisen, which proceeds to eliminate it.

At the same time, after carrying out works to eliminate the failure that has occurred, the Ministry, within 3 (three) working days, shall draw up a protocol on a technical problem and place it in the SISS.

Footnote. Paragraph 47 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

Chapter 4. Procedure of appeal

48. A complaint against a decision, action (inaction) of the working body (service provider) on the issues of obtaining subsidies shall be submitted to the head of the working body (service provider), the authorized body in the field of development of the agro-industrial complex (hereinafter - the authorized body), to the authorized body for assessing and

monitoring the quality of public services in accordance with the legislation of the Republic of Kazakhstan.

If a complaint is received in accordance with paragraph 4 of Article 91 of the APPC RK, the working body (service provider) shall send it to the body considering the complaint (superior administrative body and (or) official), no later than 3 (three) working days from the date of receipt. The complaint shall not be sent by the working body (service provider) to the body considering the complaint (superior administrative body and (or) official), in the event of a favorable act, an administrative action that fully satisfies the requirements specified in the complaint.

Footnote. Paragraph 48 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

49. The complaint of the borrower (service recipient) in accordance with paragraph 2 of Article 25 of the Law shall be subject to consideration:

by the working body (service provider), an authorized body - within five working days from the date of its registration;

by the authorized body for assessing and monitoring the quality of the provision of public services - within 15 (fifteen) working days from the date of its registration.

50. The term for considering a complaint by a working body (service provider), an authorized body, an authorized body for assessing and monitoring the quality of public services in accordance with paragraph 4 of Article 25 of the Law shall be extended by no more than 10 (ten) working days if necessary:

1) to conduct an additional study or inspection on the basis of a complaint or an on-site inspection;

2) to obtain additional information.

In the event of an extension of the term for considering a complaint, the official authorized to consider complaints, within three working days from the date of the extension of the term for considering a complaint, shall inform the applicant in writing (when filing a complaint on paper) or electronically (when filing a complaint in electronic form) who filed the complaint, on the extension of the period for considering the complaint, indicating the reasons for the extension.

51. Unless otherwise provided by law, an appeal to the court shall be allowed after a pre-trial appeal in accordance with paragraph 5 of Article 91 of the APPC of the Republic of Kazakhstan.

Footnote. Paragraph 51 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

subsidizing interest rates
on loan and leasing obligations within the
framework of the direction for
financial rehabilitation of entities of
the agro-industrial complex

Form

Application for subsidizing

"__" _____ 20__ года

Hereby, the financial institution/financial agent _____
within the framework of the budget program _____

Asks the Department of Agriculture _____

_____ of the region (cities of republican significance, the capital) in accordance with the
subsidizing agreement

dated _____ 20__ No. _____

to transfer funds from the republican budget to the account of a financial institution/
financial agent

No. _____ in the amount of _____ tenge for the _____
period.

Signed and sent by the applicant at _____ (time) "__" _____ 20__:

Data from the electronic digital signature (hereinafter - the EDS) Date and time of signing
the EDS

Notification on application acceptance:

Application accepted at _____ (time) "__" _____ 20__:

Data from EDS Date and time of EDS signing

Appendix 2
to the Rules for
subsidizing interest rates
on loan and leasing obligations within the
framework of the direction for
financial rehabilitation of entities of
the agro-industrial complex

The list of basic requirements for the provision of a public service "Subsidizing interest rates on loan and leasing obligations within the framework of the direction for financial rehabilitation of entities of the agro-industrial complex"

Footnote. Appendix 2 is in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2022 No. 438 (shall be enforced from 01.01.2023)

1	Name of the service provider	Local executive bodies of regions, cities of Astana, Almaty and Shymkent (hereinafter- the service provider)
2	Methods of providing a public service	Acceptance of applications from legal entities (hereinafter - the service recipient) and issuance of the results of the provision of a public service shall be carried out through the "electronic government" web portal www.egov.kz (hereinafter - the portal).
3	The term for the provision of a public service	7 (seven) working days.
4	Form of provision of a public service	Electronic (fully automated)
5	The result of the provision of a public service	Notification of the transfer of subsidies or a reasoned refusal to provide a public service
6	The amount of payment charged from the service recipient in the provision of a public service, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	Free of charge
7	Work schedule of the service provider and information objects	<p>1) a service provider - from Monday to Friday from 9.00 to 18.30 with a lunch break from 13.00 to 14.30, except for weekends and holidays in accordance with the Labor Code of the Republic of Kazakhstan (hereinafter - the Code);</p> <p>2) the portal - around the clock, with the exception of technical breaks associated with the repair works (when the service recipient contacts after the end of working hours, on weekends and holidays in accordance with the Code, applications shall be accepted or the results of the provision of public services shall be issued on the next working day).</p> <p>Addresses of places for the provision of a public service are posted on:</p> <p>1) the Internet resource of the relevant service provider;</p>

		2) Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan www.gov.kz.
8	List of documents and information required from the service recipient for the provision of a public service	The service recipient, through the portal, shall submit an application for subsidizing to the state information system of subsidies in the form of an electronic document certified by the electronic digital signature of the service recipient.
9	Grounds for refusal to provide a public service, established by the laws of the Republic of Kazakhstan	1) establishing the unreliability of the documents submitted by the service recipient for the receipt of a public service, and (or) the information contained in them; 2) non-compliance of the service recipient and (or) the information provided, necessary for the provision of a public service, with the requirements established by the Rules for subsidizing interest rates on loan and leasing obligations as part of the direction for the financial rehabilitation of entities of the agro-industrial complex, approved by order of the Minister of Agriculture of the Republic of Kazakhstan dated May 5, 2016 year No. 205 (registered in the Register of state registration of regulatory legal acts No. 13876) (hereinafter - the Rules)
10	Other requirements, taking into account the specifics of the provision of a public service, including those provided in electronic form	The service recipient has the opportunity to receive information on the procedure for the provision of a public service in the remote access mode through the Unified Contact Center. Contact numbers of information services on the provision of public services are indicated on the portal. Unified contact center: 1414, 8 800 080 7777. The Ministry of Agriculture of the Republic of Kazakhstan and service providers, within three working days from the date of the change in the Rules, shall update information on the procedure for providing public services and send it to the Unified Contact Center.

Appendix 3
to the Rules for
subsidizing interest rates
on loan and leasing obligations within the
framework of the direction for
financial rehabilitation of entities of
the agro-industrial complex

Notification

Dear(s) _____

According to your application № _____

dated " __ " _____ 20__ the grant of subsidies was refused for the following reason:

_____.

Signed and sent by the applicant at _____ (time) " __ " _____ 20__ :

Data from an electronic digital signature (hereinafter - EDS)

Notification of acceptance of the application:

Accepted by management at _____ (time) " __ " _____ 20__ :

Data from EDS

Appendix 4
to the Rules for
subsidizing interest rates
on loan and leasing obligations within the
framework of the direction for
financial rehabilitation of entities of
the agro-industrial complex

Notification

Dear(s) _____

According to your application № _____ dated " __ " _____ 20__ we hereby notify

of the transfer to your current account № _____ the amount of subsidies

in the amount of _____ tenge by payment order dated " __ " _____ 20__

Signed and sent by the applicant at _____ (time) " __ " _____ 20__ :

Data from an electronic digital signature (hereinafter – EDS)

Notification of acceptance of the application:

Accepted by management at _____ (time) " __ " _____ 20__ :

Data from EDS

Appendix 2
to the order of the Minister of agriculture
of the Republic of Kazakhstan
dated May 5, 2016 № 205

List of invalid orders of the Minister of Agriculture of the Republic of Kazakhstan

1. The order of the Minister of Agriculture of the Republic of Kazakhstan dated April 9, 2015 No. 9-1 / 320 “On approval of the Rules for subsidizing interest rates on loan and leasing obligations as part of the direction for financial recovery of entities of agro-industrial complex” (registered in the Register of state registration of regulatory legal acts No. 10763, published on May 8, 2015 in the legal information system "Adilet").

2. The order of the Minister of Agriculture of the Republic of Kazakhstan dated August 24, 2015 No. 9-1 / 760 “On amendments and additions to the order of the Minister of Agriculture of the Republic of Kazakhstan dated April 9, 2015 No. 9-1 / 320 “On approval of the Rules for subsidizing interest rates on loan and leasing obligations as part of the direction for financial recovery of entities of agro-industrial complex” (registered in the Register of state registration of regulatory legal acts No. 12301, published on November 24, 2015 in the legal information system "Adilet").

3. The order of the Minister of Agriculture of the Republic of Kazakhstan dated December 18, 2015 No. 9-1 / 1099 "On amendments to the order of the Minister of Agriculture of the Republic of Kazakhstan dated April 9, 2015 No. 9-1 / 320 "On approval of the Rules for subsidizing interest rates on loan and leasing obligations as part of the direction for financial recovery of entities of agro-industrial complex” (registered in the Register of state registration of regulatory legal acts No. 12451, published on December 22, 2015 in the legal information system "Adilet").