



On approval of the Rules for Obtaining Refusal from Precious Metals Production Entities or a Confirmation from an Authorized Body on the Existence of Such a Refusal, as well as Conditions for Precious Metals Production Entities

Unofficial translation

Order of the Minister for Investments and Development of the Republic of Kazakhstan No. 714 dated October 12, 2016. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 4, 2016 under No. 14398.

Unofficial translation

In accordance with paragraph 2 of Article 8 of the Law of the Republic of Kazakhstan dated January 14, 2016 “On Precious Metals and Precious Stones” **I HEREBY ORDER:**

1. That the attached Rules for Obtaining Refusal from Precious Metals Production Entities or a Confirmation from an Authorized Body on the Existence of Such a Refusal, as well as Conditions for Precious Metals Production Entities shall be approved.

2. The Industrial Development and Industrial Safety Committee of the Ministry for Investments and Development of the Republic of Kazakhstan (A. K. Yerzhanov) shall:

1) provide state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) send a copy hereof in paper and electronic form for official publication in periodicals and Adilet, the legal information system, as well as in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan within ten calendar days from the date of state registration with the Ministry Justice of the Republic of Kazakhstan;

3) place this order on the Internet site of the Ministry for Investments and Development of the Republic of Kazakhstan;

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

3. The control over the execution of this order shall be assigned to the supervising Vice Minister for Investments and Development of the Republic of Kazakhstan.

4. This order shall become effective upon expiry of twenty-one calendar days after the day of its first official publication.

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

J. Kassymbek

Approved
by order of the Minister
for Investments and Development of the

The Rules

for Obtaining Refusal from Precious Metals Production Entities or a Confirmation from an Authorized Body on the Existence of Such a Refusal, as well as Conditions for

Precious Metals Production Entities

Chapter 1. General provisions

1. These Rules for Obtaining Refusal from Precious Metals Production Entities or a Confirmation from an Authorized Body on the Existence of Such a Refusal, as well as Conditions for Precious Metals Production Entities (hereinafter - the Rules) are developed in accordance with paragraph 2 of Article 8 of the Law of the Republic of Kazakhstan dated January 14, 2016 “On Precious Metals and Precious Stones” and determine the procedure for obtaining by persons having the intention to export primary products containing precious metals from the territory of the Republic of Kazakhstan, refusal from all precious metals production entities or confirmation from the authorized body on the existence of such a refusal, as well as establish conditions for precious metals production entities.

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

1) precious metals - gold, silver, platinum and platinum group metals (palladium, iridium, rhodium, ruthenium and osmium) in any state and form;

2) precious metals production entities - legal entities of the Republic of Kazakhstan engaged in the production of precious metals in the Republic of Kazakhstan;

3) primary products containing precious metals - untreated precious metals (including Dore alloy in the form of an ingot, cathode metals), zinc precipitation, scrap and waste of precious metals, ores and concentrates of precious metals, ores, non-ferrous metal concentrates and ash, non-ferrous metal intermediates containing precious metals;

4) an authorized body - the central executive body, which carries out management, as well as, within the limits provided for by the legislation of the Republic of Kazakhstan, intersectoral coordination in the field of regulating the production of precious metals and the circulation of precious metals and precious stones, primary products from precious metals, jewelry and other products.

3. The list of precious metals production entities was approved by order of the Minister for Investments and Development of the Republic of Kazakhstan No. 303 dated March 30, 2016 “On Approval of the List of Precious Metals Production Entities” (registered with the Register of State Registration of Regulatory Legal Acts under No. 13635) (hereinafter - the List) .

Chapter 2. The procedure for obtaining refusal from precious metals production entities by persons intending to export from the territory of the Republic of Kazakhstan primary products containing precious metals

4. A person who intends to export primary products containing precious metals from the territory of the Republic of Kazakhstan (hereinafter referred to as a person intending to export) shall submit an appeal to the precious metals production entities about his intention to export primary products containing precious metals from the territory of the Republic of Kazakhstan, pursuant to the form in compliance with the Appendix to these Rules (hereinafter referred to as the appeal) with the attachment of supporting documents.

The appeal shall be sent to the precious metals production entities that are included into the List.

5. If the appeal does not comply with paragraph 4 of these Rules, the precious metals production entity shall return it to the person who intends to export it within two business days from the date of receipt of the appeal without consideration.

6. If the appeal complies with Paragraph 4 of these Rules, the precious metals production entity shall, within ten business days from the date of receipt of the appeal, submit to the person who has the intention to export, and to the authorized body information on the possibility to accept in full or in part the primary products of the person, having the intention to export primary products containing precious metals, for the purpose of their processing and (or) refining (hereinafter referred to as information) or refusing to process and (or) refining primary products of a person who has the intention to export primary products containing precious metals (hereinafter - refusal).

7. The following may be grounds for refusing to process and / or refining primary products containing precious metals:

1) the technological impossibility of processing and (or) refining, including non-compliance with threshold values for the content of harmful impurities and precious metals in primary products containing precious metals;

2) lack or insufficiency of production capacity for processing and (or) refining of the proposed volume of primary products containing precious metals;

3) the economic inexpediency of processing ores, concentrates and ash of non-ferrous metals, intermediates in the production of non-ferrous metals containing precious metals.

8. A refusal of a precious metals production entity shall be effective from the day of its receipt by a person who intends to export it, until the end of the current calendar year.

Chapter 3. The procedure for obtaining confirmation from the authorized body on the refusal of entities producing precious metals by persons who have the intention to export from the territory of the

Republic of Kazakhstan of primary products containing precious metals

9. A person who intends to export, in case of failure to receive a response from a precious metals producer, within the period specified in Paragraph 6 of these Rules, shall submit to the authorized body a copy of the appeal with a note on the date of receipt by the precious metal production entities (hereinafter referred to as a copy of the appeal).

10. The authorized body, in case of compliance with the appeal to paragraph 4 of these Rules and the non-fulfillment by the precious metals production entity of one of the conditions specified in paragraph 13 of these Rules, shall present to the person who has the intention to export, the confirmation of the refusal.

11. The deadline for providing confirmation from an authorized body on the refusal from precious metal production entities to a person with an intention to export shall be ten business days from the date of receipt of a copy of the application.

12. The confirmation of the authorized body of the refusal from the precious metals production entity shall be valid from the day it is received by a person who intends to export it, until the end of the current calendar year.

Chapter 4. Conditions for entities producing precious metals

13. A precious metals production entity shall be deemed to have refused if the following conditions are not met:

1) providing the person with the intention to make the export, and the authorized body of information or refusal within the time period specified in paragraph 6 of these Rules;

2) the correspondence of the information provided to the person having the intention to make the export and to the authorized body, the appeal of the person having the intention to make the export, specified in Paragraph 3 of these Rules.

Appendix
to the Rules for Obtaining Refusal from
Precious Metals Production Entities or a
Confirmation
from an Authorized Body on the Existence of
Such
a Refusal, as well as Conditions for Precious
Metals Production Entities

The form

name of the production
precious metals entity

in accordance with the Rules for Obtaining Refusal from Precious Metals Production Entities or Confirmation of an Authorized Body on the Existence of Such a Refusal, approved by order of the Minister for Investments and development of the Republic of Kazakhstan No. 714 dated October 12, 2016 (hereinafter- Rules), I/Entity hereby ask for information about the possibility to accept in full or partial volume of the above primary products, containing precious metals, or refusal to process and / or refine the above primary products containing precious metals, within the period established by Paragraph 6 of the Rules.

Applications:

list of attached documents confirming quality
characteristics of a primary product containing precious metals

surname, name, patronymic (if any), position

Stamp here

Date, signature

The mark of acceptance of the appeal:

date of acceptance, last name, first name, patronymic (if any), position