



On approval of the Rules for issuing consent to the appointment (election) of leading employees of financial organizations, banking, insurance holding companies, the “Insurance Payments Guarantee Fund” Joint Stock Company, including criteria for lack of impeccable business reputation, and the list of documents required to obtain consent

Unofficial translation

Decree of the Board of the National Bank of the Republic of Kazakhstan dated December 26, 2016 No. 305. Registered with the Ministry of Justice of the Republic of Kazakhstan on February 9, 2017 No. 14784. Abolished by the resolution of the Board of the Agency of the Republic of Kazakhstan on regulation and development of the financial market dated March 30, 2020 No. 43 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Unofficial translation

Footnote. Abolished by the resolution of the Board of the Agency of the Republic of Kazakhstan on regulation and development of the financial market dated March 30, 2020 No. 43 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Heading is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

In accordance with the Laws of the Republic of Kazakhstan dated August 31, 1995 “On banks and banking activity in the Republic of Kazakhstan”, dated December 18, 2000 “On Insurance Activity”, dated June 3, 2003 “On Insurance Payments Guarantee Fund”, dated July 2, 2003 “On Securities Market”, dated June 21, 2013 “On pension provision in the Republic of Kazakhstan”, the Board of the National Bank of the Republic of Kazakhstan **HEREBY DECREE AS FOLLOWS:**

1. Approve the attached Rules for issuing consent to the appointment (election) of leading employees of financial organizations, banking, insurance holding companies, the “Insurance Payments Guarantee Fund” Joint Stock Company, including criteria for lack of impeccable business reputation, and the list of documents required to obtain consent.

Footnote. Paragraph 1 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

2. Declare to be no longer in force the Regulatory Legal Acts of the Republic of Kazakhstan, as well as the structural elements of some Regulatory Legal Acts of the Republic of Kazakhstan according to the list in accordance with the Appendix to this Decree.

3. The Department of Insurance Supervision (Kurmanov Zh.B.) in the manner prescribed by the Legislation of the Republic of Kazakhstan, shall ensure:

1) together with the Legal Department (Sarsenova N.V.) the State Registration of this Decree with the Ministry of Justice of the Republic of Kazakhstan;

2) direction of this Decree to the Republican State Enterprise on the Right of Economic Use “Republican Legal Information Center of the Ministry of Justice of the Republic of Kazakhstan” for inclusion in the State Register of Regulatory Legal Acts of the Republic of Kazakhstan, the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan within ten calendar days from the date of its State Registration with the Ministry of Justice of the Republic of Kazakhstan;

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

4. The Directorate for Protection of the Rights of Consumers of Financial Services and External Communications (Terentyev A.L.) to ensure the direction of this Decree for official publication in periodicals within ten calendar days after its State Registration with the Ministry of Justice of the Republic of Kazakhstan.

5. The control over implementation of this Decree shall be assigned to the Deputy Chairman of the National Bank of the Republic of Kazakhstan Smolyakov O. A.

6. This Decree shall be enforced upon expiry of ten calendar days after the day its first official publication.

*The Chairman
of the National Bank*

D. Akishev

Approved
by the Decree of the Board of the
National Bank of the Republic of Kazakhstan
dated December 26, 2016 No.305

Rules for issuing consent to the appointment (election) of leading employees of financial organizations, banking, insurance holding companies, the “Insurance Payments Guarantee Fund” Joint Stock Company, including criteria for lack of impeccable business reputation, and the list of documents required to obtain consent

Footnote. Heading is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

Chapter 1. General Provisions

1. These Rules for issuing consent to the appointment (election) of leading employees of financial organizations, banking, insurance holding companies, the “Insurance Payments Guarantee Fund” Joint Stock Company, including criteria for lack of impeccable business reputation, and the list of documents required to obtain consent (hereinafter referred to as the Rules) were developed in accordance with the Laws of the Republic of Kazakhstan dated August 31, 1995 “On banks and banking activity in the Republic of Kazakhstan” (hereinafter referred to as the Law on Banks), dated December 18, 2000 “On Insurance Activity” (hereinafter referred to as the Law on Insurance Activity), dated June 3, 2003 “On Insurance Payments Guarantee Fund” (hereinafter referred to as the Law On Guarantee Fund), dated July 2, 2003 “On Securities Market” (hereinafter referred to as the Law on Securities Market), dated July 4, 2003 “On state regulation, control and supervision of financial market and financial organizations”, dated June 21, 2013 “On pension provision in the Republic of Kazakhstan” (hereinafter referred to as the Law on pension provision).

The Rules determine the procedure for issuance by the authorized authority for regulation, control and supervision of financial market and financial organizations (hereinafter referred to as the authorized authority) of consent to the appointment (election) of leading employees of banks, insurance (reinsurance) companies, insurance brokers, a single funded pension fund, voluntary funded pension funds, legal entities applying for a license or having licenses to carry out activities in securities market, central depository and a single operator (hereinafter referred to as a financial organization), banking and insurance holdings (hereinafter referred to as a holding), the Insurance Payments Guarantee Fund Joint Stock Company (hereinafter referred to as the Fund), including criteria for lack of impeccable business reputation, and the list of documents required to obtain consent.

Footnote. Paragraph 1 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

2. The authorized authority shall give consent to the appointment (election) of a candidate for position of senior executive of a financial organization, holding company, Fund (hereinafter - the candidate), who meets the requirements established by Article 20 of the Law On Banks, Article 34 of the Law On Insurance Activity, Subparagraph 20) of Article 1, Paragraph 4 of Article 54, Paragraph 2 of Article 59 of the Law of the Republic of Kazakhstan dated May 13, 2003 “On Joint Stock Companies” (hereinafter - the Law On Joint Stock Companies), Article 54 of the Law On Securities Market, Article 9 of the Law of the Republic of Kazakhstan dated February 28, 2007 "On Accounting and Financial Statements" (hereinafter - the Law on Accounting), Article 55 of the Law On pension provision, Article 4-1 of the Law on Guarantee Fund and the Rules.

The List of leading employees of financial organizations, holdings, the Fund, subject to agreement with the authorized authority, shall be provided by Paragraphs 1 and 14 of Article 20 of the Law On Banks, Paragraphs 1 and 14 of Article 34 of the Law on Insurance Activity,

Paragraph 11 of Article 45, Paragraph 1 of Article 54 and Paragraph 1-1 of Article 79 of the Law On Securities Market, Paragraph 1 of Article 55 of the Law On pension provision, Paragraph 1 of Article 4-1 of the Law On the Guarantee Fund.

Footnote. Paragraph 2 as amended by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

3. Financial organizations, holdings, the Fund shall notify the authorized authority of changes that have occurred in the composition of leading employees within 10 (ten) business days from the date of their appointment (election), transfer to another position or dismissal (termination of authority). Information on changes in the composition of leading employees shall be sent in the form in accordance with Appendix 1 to the Rules with attached copies of supporting documents.

If the copies of supporting documents annexed in accordance with part one of this Paragraph, not contain the date of appointment (election), transfer to another position or dismissal (termination of authority) of leading employees, then the date of appointment (election), transfer to another position or dismissal (termination of authority) of leading employees shall be considered the date of the decision (order) of the authorized authority of the financial organization, holding, Fund or the date of event specified in the decision (order).

In the event of occurrence of event specified in the decision (order), the financial organization, holding, the Fund submit copies of supporting documents.

An extract from the decision of the authorized authority of a financial organization, holding, the Fund contains the following information:

full name of the financial organization, holding, the Fund and location of the executive authority of the financial organization, holding, the Fund;

date, time and place of the general meeting of shareholders (meeting of the governing authority);

information about the persons participating in the meeting (for a meeting of the governing authority);

quorum of the general meeting of shareholders (meetings of the governing authority);

agenda of the general meeting of shareholders (meeting of the governing authority) regarding the issue on appointment (election), transfer to another position or dismissal (termination of authority) of leading employee;

issues put to a vote, the results of voting on them in terms of appointment (election), transfer to another position or dismissal (termination of authority) of leading employee;

decisions taken regarding the appointment (election), transfer to another position or dismissal (termination of authority) of leading employee.

An extract from the decision of the authorized authority of the financial organization, holding, the Fund shall be certified by the signature of the employee (employees) authorized to sign this document and contain an indication of the correctness of the extract.

If a financial organization, holding, the Fund submits documents to the authorized authority for approval of candidates before submitting Information on changing the composition of leading employee in the form in accordance with Appendix 1 to the Rules, documents confirming the appointment (election), transfer to another position of the candidate shall be submitted together with the full documents for approval of the candidate.

The leading employee of a financial organization, holding, Fund appointed (elected) for a new term by decision of the authorized authority of a financial organization, holding, Fund shall not be subject to approval, provided that this candidate has been previously agreed with the authorized authority for this position in this financial organization, this holding or the Fund, or transferred from an agreed position to a subordinate position within one authority of this financial organization, holding, Fund, and subject to compliance of this candidate to the requirements, established by Article 20 of the Law On Banks, Article 34 of the Law On Insurance Activity, Subparagraph 20) of Article 1, Paragraph 4 of Article 54, Paragraph 2 of Article 59 of the Law On Joint Stock Companies, Article 54 of the Law On Securities Market, Article 9 of the Law On Accounting, Article 55 of the Law On pension provision, Article 4-1 of the Law On Guarantee Fund and the Rules.

In this case, the financial organization, holding, the Fund, within 10 (ten) business days from the date of appointment (election) of the leading employee for a new term or his transfer to another position, provide a copy of the extract from the decision of the authorized authority of this financial organization, this holding or the Fund about the appointment (election), transfer of a leading employee to an appropriate position with a cover letter stating that this candidate meets the requirements established by Regulatory Legal Acts of the Republic of Kazakhstan, as specified in part six of this Paragraph. Submission of other documents shall not be required.

The representative of the authorized authority that is part of the governing authority of the financial organization, the Fund shall not be subject to agreement with the authorized authority.

Footnote. Paragraph 3 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

4. Necessary in accordance with Article 20 of the Law On Banks, Article 34 of the Law On Insurance Activity, Article 54 of the Law On Securities Market, Article 55 of the Law On pension provision, Article 4-1 of the Law On Guarantee Fund for the appointment (election) of a candidate, the labor experience in international financial organizations includes the work of a candidate in the following international financial organizations:

- Asian Development Bank;
- Asian Infrastructure Investment Bank;
- Inter-American Development Bank;
- African Development Bank;

The World Bank;
World Trade Organisation;
Eurasian Development Bank;
European Investment Bank;
European Bank for Reconstruction and Development;
European Securities and Markets Organization;
European Banking Organization;
European Banking Federation;
Development Bank of the European Council;
European Organization for Insurance and Pension Provision;
Multilateral Investment Guarantee Agency;
International Center for Settlement of Investment Disputes;
Islamic Development Bank;
Islamic Financial Services Council;
International Association of Insurance Supervisors;
Northern Investment Bank;
International Securities Commission;
International Monetary Fund;
International Development Association;
International Association of Deposit Insurance Systems;
Bank for International Settlements;
International Organization of Pension Supervision Authorities;
International Bank for Reconstruction and Development;
International Finance Corporation;
Organization for Economic Cooperation and Development.

Footnote. Paragraph 4 is in the wording of Decree of the Board of the National Bank of the Republic of Kazakhstan dated 22.12.2017 No. 260 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Chapter 2. The order for consideration of documents

5. The financial organization, holding, or Fund shall submit the following documents to the authorized authority for approval of candidates:

1) a petition drawn up in any form indicating that the candidate meets the requirements for leading employees of the financial organization, holding, the Fund, and that information about the candidate shall be documented by a financial organization, holding, and the Fund, and signed:

by the Head of the governing authority of the financial organization, holding, Fund, and in case of its absence by one of the members of the governing authority by decision of the

governing authority (with a copy of this decision of the governing authority), one of the shareholders of a financial organization, holding, Fund in the absence of the Head and members of the governing authority, by one of the participants of the financial organization, holding, authorized to sign this document (for the financial organization, holding, created in the legal form of the limited liability partnership) - in the appointment (election) of the Head of the executive authority (person solely performing the functions of the executive authority), a member of the governing authority that is the Head of the executive authority;

by the Head of the executive authority of the financial organization, holding, the Fund (by a person solely performing the functions of the executive authority) or by the person performing his duties (with a copy of the decision on assignment of duties) - in other cases;

2) is excluded by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

3) if the candidate for position of a member of the executive authority of the financial organization, holding, or Fund works in another organization - an extract from the decision of the governing authority of this financial organization, this holding or the Fund, created in the legal form of the joint stock company, on consent to the candidate to work in another organization;

4) if the candidate is a member of the executive authority of the joint stock company - an extract from the decision of the governing authority of the joint stock company on consent to the candidate for work in the financial organization, holding, Fund;

5) is excluded by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

6) information on the candidate for position of leading employee in the form in accordance with Appendix 2 to the Rules on electronic and paper media (color photograph in Appendix 2 shall be taken on a light background of 3x4 size);

7) is excluded by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019);

8) a copy of the identity document of candidate (for foreigners, stateless persons);

9) a document confirming the information that the candidate does not have an unexpunged or outstanding conviction for crimes in the country of citizenship (for foreigners) or in the country of permanent residence (for stateless persons) issued by the state authority of their country of citizenship (country of their permanent residence - for people without citizenship) or the country where the candidate has been resident for the past 15 (fifteen) years. The date of issue of the said document does not exceed 3 (three) months preceding the date of filing the petition;

10) is excluded by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

11) is excluded by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

12) a copy of the certificate of professional accountant issued in the manner prescribed by the Legislation of the Republic of Kazakhstan on accounting and financial reporting - for a candidate to the position of chief accountant;

13) a copy of the membership card (book) or certificate from an accredited professional organization of accountants confirming membership in this organization - for a candidate to the position of chief accountant.

A petition with attachment of required documents shall be submitted on paper or in electronic form through the web portal of “electronic government”.

Footnote. Paragraph 5 as amended by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 22.12.2017 No. 260 (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.02.2018 No. 26 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

5-1. Upon approval of the bank leading employee, insurance (reinsurance) company, insurance broker, holding, the Fund, an additional copy of the document shall be submitted confirming payment of the fee for issuing consent to the appointment (election) of the bank leading employee, insurance (reinsurance) company, insurance broker, holding, and Fund, except for cases of payment through the payment gateway of "electronic government".

Footnote. The Decree is supplemented by Paragraph 5-1 in accordance with the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 26.02.2018 No. 26 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

6. is excluded by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

7. The documents listed in Paragraph 5 of the Rules, consisting of several sheets, shall be numbered and tied together with the number of tied sheets on a label glued on the back of the last sheet to the firmware node, certified by the signature of the Head of the executive authority of the financial organization, holding, Fund (person, solely performing the functions of the executive authority) or of the person performing his duties (with a copy of a supporting document on the assignment of duties), except for documents specified in Paragraph 8 of the Rules.

Copies of documents shall be certified by signature of the Head of the executive authority of the financial organization, holding, the Fund (person solely performing the functions of the executive authority) or the person performing his duties (with a copy of a supporting document on assignment of duties), indicating the surname, name, patronymic (if any) of an official of the financial organization, holding, Fund with an indication of true of a copy, except for documents specified in Paragraph 8 of the Rules.

Footnote. Paragraph 7 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

8. Documents for approval of a non-resident candidate of the Republic of Kazakhstan provided by the financial institution, holding, the Fund in a foreign language shall be subject to legalization or apostilization in accordance with the requirements of the Legislation of the Republic of Kazakhstan or international treaties ratified by the Republic of Kazakhstan (except for an identity document of the candidate). These documents shall be translated into Kazakh and Russian languages and shall be provided to the authorized authority by notarized witnesses in accordance with the legislation of the Republic of Kazakhstan.

9. The financial organization, holding, the Fund shall submit a full package of documents (indicating candidates, responsible executives, contact phones and email) to the authorized authority for approval of candidates no later than 60 (sixty) calendar days from the date of their appointment (election).

The authorized authority receives the information from the relevant state information systems through the gateway of "electronic government" specified in the documents:

identification of an individual – a resident of the Republic of Kazakhstan;

confirming the absence of an unexpunged or outstanding conviction of an individual resident of the Republic of Kazakhstan;

on state registration (re-registration) of a legal entity - a resident of the Republic of Kazakhstan.

If a financial organization, holding, or the Fund submits an incomplete set of documents provided by Paragraphs 5 and 5-1 of the Rules, the authorized authority in accordance with Article 19 of the Law of the Republic of Kazakhstan dated April 15, 2013 “On Public Services” shall refuse to accept documents for approval of the candidate.

Documents submitted for approval of the candidate shall be considered by the authorized authority within 30 (thirty) business days from the date of submission of the documents specified in Paragraphs 5 and 5-1 of the Rules.

In case of discrepancies in the submitted documents to the requirements of the Rules during the period of their consideration specified in part four of this Paragraph, the authorized authority shall send the letter to the financial organization, holding, and the Fund with comments for their elimination and submission of revised (corrected) documents that meet the requirements of the Legislation of the Republic of Kazakhstan. In this case, the period for consideration by the authorized authority of documents for approval of the candidate shall not be interrupted.

The revocation of documents submitted for issuing consent to the appointment (election) of leading employees of the financial organization, holding, and Fund shall be allowed until the authorized authority makes a decision on approval of candidates, and if agreed upon with an invitation to test, until the date the candidate passes the test by submitting the financial organization holding, the Fund of a written application in any form indicating the reason for their withdrawal.

Footnote. Paragraph 9 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 22.12.2017 No. 260 (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 26.02.2018 No. 26 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

10. If the candidate has work experience in financial organizations that are non-residents of the Republic of Kazakhstan, the authorized authority, in order to confirm that the candidate has an impeccable business reputation, requests information from the authorized supervisory authority of a foreign state on the presence (absence) of information characterizing the candidate's excellent business reputation, or receives this information on the official Internet resource of the supervisory authority of a foreign state (if any).

Chapter 3. The procedure for approval of invitation to undergo testing or without invitation

11. To approve the candidate in the authorized authority, the Commission shall be created to determine the compliance of candidates for positions of leading employees of financial organizations, holding, the Fund (hereinafter referred to as the Commission), the staff of which shall be approved by Order of the first head of the authorized authority.

12. Coordination shall be carried out by the authorized authority by decision of the Commission with the invitation of candidates to undergo testing or without their invitation in cases provided by Paragraph 15 of the Rules.

13. The authorized authority shall notify the financial organization, holding, Fund in writing of the date and time of the test.

14. The financial organization, holding, Fund shall ensure the appearance of a candidate for the authorized authority for testing on the date and time appointed by the authorized authority.

15. The following candidates shall be subject to approval without invitation on the basis of the documents submitted by decision of the Commission:

1) candidate, who was previously agreed by the authorized authority for relevant positions in the same sector of financial market, the Fund;

2) candidate who was previously a member of the board, the first head or deputy of the first head, head (deputy head) of an independent structural unit (department, governing) of the state authority carrying out (carried out) regulation, control and (or) supervision of the financial market and financial organizations, as well as the first head (deputy first head) of the state body that carries out (carried out) the regulation of services for audit of financial organizations;

3) a candidate who was previously a member of the board, the first head or deputy first head, the executive secretary of the state authority;

4) a candidate for position of the head of the executive authority (a person solely performing the functions of the executive authority) if he has at least 3 (three) years of work experience:

an auditor directly conducting an audit of financial organizations;

in the same sector of the financial market, the Fund and (or) in one of the international financial organizations specified in Paragraph 4 of the Rules:

the head, member of the governing authority;

the head, member of the executive authority in charge of provision of financial services;

the chief accountant;

the head of an independent structural unit (department, governing, branch), whose activities were related to the provision of financial services, financial and (or) managing director, executive director, who charge issues related to the provision of financial services;

5) a candidate to the position of head of the governing authority - if there is at least 2 (two) years of work experience:

an auditor directly conducting an audit of financial organizations;

in the financial market, the Fund and (or) in one of the international financial organizations specified in Paragraph 4 of the Rules:

the head, member of the governing authority;

the head, member of the executive authority (in charge of financial services);

the chief accountant;

6) a candidate to the position of head and member of the governing authority, which is a member of the executive authority of the parent financial organization, if there is at least 3 (three) years of work experience:

an auditor directly conducting an audit of financial organizations;

in the financial market and (or) in one of the international financial organizations specified in Paragraph 4 of the Rules:

the head, member of the governing authority;

the head, member of the executive authority (in charge of provision of financial services);

the chief accountant;

7) a candidate to the position of deputy head of an insurance broker, a member of the executive authority in charge of exclusively security and administrative matters in the financial organization, holding, Fund;

8) a candidate to the position of deputy head of an insurance broker, member of the executive authority of the financial organization, holding, the Fund, if he has at least 2 (two) years of work experience:

an auditor directly conducting an audit of financial organizations;

in the same sector of the financial market, the Fund and (or) in one of the international financial organizations specified in Paragraph 4 of the Rules:

the head, member of the governing authority;

the head, member of the executive authority in charge of the provision of financial services;

chief accountant or deputy chief accountant;

the head (deputy head) of an independent structural unit (department, governing, branch), whose activities were related to the provision of financial services, financial and (or) managing director, executive director, who oversaw issues related to the provision of financial services;

9) a candidate for the position of chief accountant;

10) a candidate who received positive test results in an authorized authority upon approval for the position of leading employee of the financial organization in the same sector of the financial market, the Fund.

The period during which positive test results shall be counted for the purposes of this Subparagraph shall not be more than 6 (six) months from the date the candidate undergoes the test in an authorized authority;

11) a candidate for the position of another leading employee - if there is at least 1 (one) year work experience:

an auditor directly conducting an audit of financial organizations;

in the same sector of the financial market and (or) in one of the international financial organizations specified in Paragraph 4 of the Rules:

the head, member of the governing authority;

the head, member of the executive authority in charge of the provision of financial services;

chief accountant or deputy chief accountant;

the head (deputy head) of an independent structural unit (department, governing, branch), whose activities were related to the provision of financial services, financial and (or) managing director, executive director, who oversaw issues related to the provision of financial services;

12) a candidate for the position of a member of the governing authority.

16. Coordination of candidates with invitation to undergo testing shall be carried out by computer testing in Kazakh, Russian or English for 45 minutes on 30 issues.

17. During the testing of candidates in the same room with the tested person, only the employees of the authorized authority shall be allowed to attend.

When undergoing the test, the candidate shall not use any written, electronic or other information materials. Violation of the conditions set forth in this Paragraph shall be equivalent to a negative test result.

18. Testing of candidates shall be carried out with broadcasting online on the Internet resource of the authorized authority.

19. Upon receipt of a positive test result (at least seventy percent of the correct answers), the candidate shall be considered agreed upon to the position for which he was appointed (elected).

The candidate shall be to be acquainted with the test results for signature immediately after undergoing it.

Chapter 4. The procedure for issuing consent to the appointment (election) of leading employees of financial organizations, holdings, the Fund

20. Documents submitted by the financial organization, holding, and Fund shall be sent for consideration by the Commission. Members of the Commission consider the documents and express their opinion on the issue in the protocol on consideration by the Commission of a candidate for the position of leading employee of the financial organization, holding, Fund, drawn up in the form in accordance with Appendix 3 to the Rules (hereinafter referred to as the Protocol).

21. The decision of the Commission shall be adopted by a simple majority of votes. In case of equality of votes, the vote of the Chairman of the Commission or the substitute person shall be decisive. The decision of the Commission shall also be taken by poll.

22. The financial organization, holding, the Fund shall be notified of the results of approval of candidates by sending a written notice by the authorized authority within 5 (five) business days from the date of signing the protocol by the Chairman of the Commission (or his deputy), and in case of undergoing the test - from the date of testing.

23. The authorized authority refuses to issue consent to the appointment (election) of leading employees of the financial organization, holding, Fund on the grounds established by Paragraph 8 of Article 20 of the Law On Banks, Paragraph 8 of Article 34 of the Law On Insurance Activity, Paragraph 4 of Article 4-1 of the Law On Guarantee Fund, Paragraph 7 of Article 54 of the Law On Securities Market, Paragraph 6 of Article 55 of the Law On Pension Provision.

Footnote. Paragraph 23 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

23-1. For the purposes of Subparagraph 3) of Paragraph 3 of Article 20 of the Law On Banks, Subparagraph 3) of Paragraph 3 of Article 34 of the Law On Insurance Activity, Subparagraph 3) of Paragraph 2 of Article 4-1 of the Law On Guarantee Fund, Subparagraph 3) of Paragraph 2 of Article 54 of the Law On Securities Market, Subparagraph 3) of Paragraph 2 of Article 55 of the Law On Pension Provision, the criteria for lack of impeccable business reputation shall be:

1) having of an unexpunged or outstanding conviction, including the court decision that has entered into legal force on the application of criminal penalties in the form of deprivation of the right to hold the position of leading employee of the financial organization, holding and be a major participant (major shareholder) of the financial organization for life;

2) availability of information that the candidate was (is) a major participant in the financial organization (directly or indirectly) who did not fulfill the obligations or requirements of the authorized authority for additional capitalization of the financial organization, banking conglomerate, insurance group;

3) availability of information that the candidate was a shareholder (participant), an official, a person performing managerial functions in the non-resident financial organization of the Republic of Kazakhstan for a period of not more than 1 (one) year before the non-resident financial organization was brought to insolvency Republic of Kazakhstan;

4) lack of impeccable business reputation, identified on the basis of a reasoned opinion, formed in accordance with Article 62-6 of the Law of the Republic of Kazakhstan dated March 30, 1995 “On the National Bank of the Republic of Kazakhstan”.

Footnote. The Rules are supplemented by Paragraph 23-1 in accordance with the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

Appendix 1
to the Rules for issuing consent to the
appointment (election)
of leading employees of financial organizations,
banking, insurance
holding companies, the “Insurance Payments
Guarantee Fund”
Joint Stock Company, including criteria for lack
of impeccable
business reputation, and the list of documents
required
to obtain consent

Form

Information on change in the composition of leading employees

(name of financial organization, holding, Fund)

Footnote. Appendix 1 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

No	Surname, name, patronymic (if any) of leading employee	Position	Date of appointment (election), transfer, dismissal (termination of authority)	Number, date of decision (order) on the appointment (election), transfer, dismissal (termination of authority)
1	2	3	4	5

Appendix (indicating the number of lists):

Surname, name, patronymic (if any) of the first head

(signature)

_____ 20 ____

Appendix 2
to the Rules for issuing consent to the
appointment (election)
of leading employees of financial organizations,
banking, insurance
holding companies, the “Insurance Payments
Guarantee Fund”
Joint Stock Company, including criteria for lack
of impeccable
business reputation, and the list of documents
required
to obtain consent

Form

Footnote. Appendix 2 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019)

Form

place for photo

Information about the candidate to the position of leading employee

(name of financial organization, holding, Fund)

(surname, name, patronymic (if any), position)

1. General information:

Date and place of birth
Citizenship
Identification document details, individual identification number (if any)

2. Education:

No.	Name of educational institution	Year of admission - year of graduation	Specialty	Details of diploma (date and number, if any)
1	2	3	4	5

3. Information of spouse, close relatives (parents, brother, sister, children) and relatives by marriage (parents, brother, sister, children of spouse):

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No.	Surname, name, patronymic (if any)	Year of birth	Family relationship	Place of work and position
1	2	3	4	5

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

No	Name and location of legal entity	Statutory activities of legal entity	Share in the authorized capital or ratio of the number of shares owned by candidate, to the total number of voting shares of legal entity (in percents)
1	2	3	4

5. Information of labor activity.

This Paragraph shall indicate information on all the candidate's labor activity (also membership in the governing authority), including from the moment of graduation from a higher educational institution, indicating the position in a financial organization, holding company, Fund that has submitted an application for approval to the authorized authority, as well as the period during which the candidate did not work.

No	Work period (date, month, year)	Place of work (indicating country of registration of the financial organization, if the financial institution is a non-resident of the Republic of Kazakhstan)	Position	Disciplinary action	Reasons for dismissal	In case of occupying the position of the head (deputy head) of an independent structural unit (department, governing, branch) of financial organizations, financial, manager and (or) executive director - supervised units, issues related to provision of financial services in this organization shall be indicated. In the case of work experience in the authorized authority regulating auditing activities, the main functional responsibilities related to regulation of audit services of financial organizations shall be indicated
1	2	3	4	5	6	7

6. Information about the candidate's participation in audit of financial institutions, including tax audit:

(indicate name of the financial organization, duration of audit,

as well as the date of audit report signed by the candidate as an auditor - executor (if any)

7. Information of membership in investment committees in this organization and (or) in other organizations:

No.	Period (date, month, year)	Name of Organization	Position	Reasons for dismissal

1	2	3	4	5

8. Information on whether the candidate was previously the head, member of the governing authority, the head,

member of the executive authority (person solely performing the functions of the executive authority and his Deputy),

the chief accountant of the financial organization, a major participant - an individual,

the head of a major participant (bank, insurance holding) - a legal entity of financial organization for a period of not more than 1 (one) year before adoption by the authorized authority for regulation, control and supervision of the financial market and financial organizations of the decision to classify the bank as insolvent banks, a financial legal entity, to preserve an insurance (reinsurance) company or to force its shares to be redeemed, to deprive a financial institution of a license that led to its liquidation and (or) termination of activities in the financial market, or the entry into force of a court decision on forced liquidation of a financial organization, or declaring it bankrupt in accordance with the legislation of the Republic of Kazakhstan

_____ (yes (no) indicate _____)

_____ name of organization, position, period of work)

9. Information on whether the candidate was previously the head, member of the governing authority,

the head, member of the executive authority, chief accountant of financial organization, a major participant (major shareholder) - an individual, the head, member of the governing authority, the head, member of the executive authority, chief accountant of a major participant (major shareholder) - the issuing legal entity that defaulted on payment of coupon interest on issued equity securities for four or more consecutive periods or whose outstanding amount on payment of coupon interest on issued equity securities on which default was made, it is four times and (or) more than the amount of coupon interest, or the amount of default on payment of the basis debt for issued equity securities amounts to ten thousand times the monthly calculation indicator established by the Law on the republican budget on the date of payment

(not filled out by a candidate to the position of the Fund's leading employee) _____

_____ (yes (no), indicate _____)

_____ date, name of organization, position, work period)

10. Did he involved as the head of financial organization, holding, the Fund, as a defendant in legal proceedings regarding the activities of financial organization, holding, the Fund _____

(yes (no), indicate

date, name of organization, the defendant in the trial,

the issue under consideration and the court decision, which entered into force (in case of its adoption)

11. Information on the supervised structural units and the authority of the candidate to sign documents, with attachment of supporting documents
(filled out by a candidate for another leading employee position)

12. Whether the candidate did hold accountable for a corruption offense or disciplined for corruption offense within three years prior to the date of appointment (election)
(not filled out by a candidate to the position of the Fund's leading employee)

(yes (no), a brief description of the offense, crime

details of the act of imposing a disciplinary sanction or court decision,

indicating the grounds for prosecution)

I confirm that this information has been verified by me, reliable and complete, and I also confirm my impeccable business reputation.

I give consent to the collection and processing of personal data necessary for provision of public services and to the use of information constituting a secret protected by law contained in information systems.

Surname, name, patronymic (if any)

(filled out by the applicant and print)

Signature _____

Be filled out by the candidate to the position of independent director of the financial organization, holding, Fund:
I confirm that I, _____
(surname, name, patronymic (if any))
I comply with the requirements established by the Law of the Republic of Kazakhstan dated May 13, 2003 "On Joint Stock Companies"
for appointment (election) to the position of independent director.
Signature _____

Date _____

banking, insurance
holding companies, the "Insurance Payments
Guarantee Fund"
Joint Stock Company, including criteria for lack
of impeccable
business reputation, and the list of documents
required
to obtain consent

Footnote. The text in the upper right corner of Appendix 3 is in the wording of the Decree of the Board of the National Bank of the Republic of Kazakhstan dated 29.10.2018 No. 246 (shall be enforced from 01.01.2019).

Form

**Protocol No. ____
upon consideration by the Commission of a candidate to the position of leading
employee of the financial organization, holding, Fund**

**(surname, name, patronymic (if any) of a candidate to the position of leading
employee of the financial organization, holding, Fund)**

" ____ "

No	Surname, name, patronymic (if any) of members of the Commission	Agree without invitation to test	Send for test and agree upon a positive test result	Refuse to agree
1	2	3	4	5

The Chairman of the Commission _____

(surname, name, patronymic (if any)) (signature)

Commission decision:

Agree without invitation to test

Send for test and agree upon a positive test result

Refuse to agree

(please underline as necessary)

Appendix
to the Decree of the Board of the National
Bank
of the Republic of Kazakhstan
dated December 26, 2016 No.305

**The List of Regulatory Legal Acts of the Republic of Kazakhstan, as well as
structural**

elements of some Regulatory Legal Acts of the Republic of Kazakhstan, recognized as invalid

1. Subparagraph 4) of Paragraph 1 of the Decree of the Board of the Agency of the Republic of Kazakhstan on regulation and supervision of financial market and financial organizations dated March 1, 2010 No. 26 “On approval of regulatory legal acts regulating the activities of the Joint Stock Company “Insurance Payments Guarantee Fund”” (registered in the Register of State Registration of Regulatory Legal Acts under No. 6167, published on September 25, 2010 in the newspaper "Kazakhstanskaya Pravda" No. 253-254 (26314-26315)).

2. Decree of the Board of the National Bank of the Republic of Kazakhstan dated February 24, 2012 No. 94 “On amendments and additions to the Decree of the Board of the Agency of the Republic of Kazakhstan on regulation and supervision of financial market and financial organizations of March 1, 2010 No. 26 “On approval of regulatory legal acts regulating the activities of the “Insurance Payments Guarantee Fund Joint Stock Company”” (registered in the Register of State Registration of Regulatory Legal Acts under No. 7546, published on August 4, 2012 in the newspaper "Kazakhstanskaya Pravda" № 251-253 (27070-27072)).

3. Decree of the Board of the National Bank of the Republic of Kazakhstan dated February 24, 2012 No. 95 “On approval of the Rules for issuing consent to the appointment (election) of leading employees of financial organizations, banking, insurance holdings and the list of documents required to obtain consent” (registered in the State Registration Register of Regulatory Legal Acts under No. 7561, published on August 4, 2012 in the newspaper "Kazakhstanskaya Pravda" No. 251-253 (27070-27072)).

4. Paragraph 3 of the List of Regulatory Legal Acts of the Republic of Kazakhstan on issues of control and supervision of financial organizations, as amended, approved by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated August 27, 2013 No. 212 “On amendments to some Regulatory Legal Acts of the Republic of Kazakhstan on issues of control and supervision of financial organizations” (registered in the Register of State Registration of Regulatory Legal Acts under No. 8805, published November 28, 2013 in the newspaper “Yuridicheskaya Gazeta” No. 180 (2555)).

5. Paragraphs from the fifth to twenty-first of Paragraph 4, Paragraph 9 of the List of Regulatory Legal Acts of the Republic of Kazakhstan on optimization and automation of business processes of public services provided by the National Bank of the Republic of Kazakhstan, that amended and supplemented, approved by the Decree of the Board of the National Bank of the Republic of Kazakhstan dated December 24, 2014 No. 261 “On amendments and additions to some Regulatory Legal Acts of the Republic of Kazakhstan on optimization and automation of business processes of public services provided by the National Bank of the Republic of Kazakhstan "(registered in the Register of State Registration

of Regulatory Legal Acts under No.10211, published on February 26, 2015 in the Legal Information System “Adilet”).

6. Decree of the Board of the National Bank of the Republic of Kazakhstan dated June 17, 2015 No. 102 “On Amendments and Additions to Some Regulatory Legal Acts of the Republic of Kazakhstan On Coordination of Leading Employees of Financial Organizations, Holdings and the “Insurance Payments Guarantee Fund”” Joint Stock Company” (registered in the Register of State Registration of Regulatory Legal Acts under No. 11747, published on August 12, 2015 in the newspaper “Yuridicheskaya Gazeta” No. 118 (2878)).

7. Decree of the Board of the National Bank of the Republic of Kazakhstan dated February 29, 2016 No. 73 “On Amendments and Additions to Some Regulatory Legal Acts of the Republic of Kazakhstan on Coordination of Leading Employees of Financial Organizations, Holdings and the “Insurance Payments Guarantee Fund”” Joint Stock Company (registered in the Register of State Registration of Norm Regulatory active Legal Acts under No. 13605, published on May 16, 2016 in the Legal Information System “Adilet”).