



On approval of the Rules of forming and maintaining the register of domestic producers and domestic suppliers of works and services

Invalidated Unofficial translation

Order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated August 21, 2017 No. 145 / HK. Registered in the Ministry of Justice of the Republic of Kazakhstan on September 28, 2017 No. 15805. Abolished by Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated January 29, 2020 No. 32.

Unofficial translation

Footnote. Abolished by Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan No. 32 dated January 29, 2020 (effective ten calendar days after the date of its first official publication).

In accordance with subparagraph 3-1) of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan dated January 19, 2001 “On the State Defence Order” I hereby ORDER:

1. To approve the attached Rules of formation and maintenance of the register of domestic producers and domestic suppliers of works and services.

2. In accordance with the procedure, established by the legislation of the Republic of Kazakhstan, the Department of Military-Industrial Complex Development of the Ministry of Defense and Aerospace Industry of the Republic of Kazakhstan shall:

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

2) within ten calendar days from the date of the state registration of this order, direct a copy thereof in paper and electronic forms in the Kazakh and Russian languages to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry of Defense and Aerospace Industry of the Republic of Kazakhstan;

4) within ten business days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, report to the Legal Department of the Ministry of Defense and Aerospace Industry of the Republic of Kazakhstan on performance of the actions provided for in subparagraphs 1), 2) and 3) of this paragraph.

3. Control over the execution of this order shall be assigned to the supervising Vice Minister of Defense and Aerospace Industry of the Republic of Kazakhstan.

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

*Minister
of Defense and Aerospace
Industry of the Republic of Kazakhstan*

B. Atankulov

“AGREED”

Minister of Defense
of the Republic of Kazakhstan

_____ S. Zhasuzakov

August 31, 2017

“AGREED”

Minister of Internal Affairs
of the Republic of Kazakhstan

_____ K. Kassymov

August 29, 2017

Approved by
by order No. 145 / HK
of the Minister of Defense
and Aerospace industry
of the Republic of Kazakhstan
dated August 21, 2017

Rules of forming and maintaining the register of domestic producers and domestic suppliers of works and services

Chapter 1. General Provisions

1. These Rules of forming and maintaining the register of domestic producers and domestic suppliers of works and services (hereinafter - the Rules) are developed in accordance with subparagraph 3-1) of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan dated January 19, 2001 “On the State Defense Order” (hereinafter – the Law) and govern the procedure of forming and maintaining the register of domestic producers of defense goods (products), dual-use(dual application) goods (products) (hereinafter - domestic producers) and domestic suppliers of military works and military services (hereinafter - the domestic supplier of works and services).

2. The Register of domestic producers and domestic suppliers of works and services (hereinafter - the Register) shall contain data on domestic producers and domestic suppliers of works and services manufacturing goods (products) and delivering works and services to state customers that are part of the state defense order.

3. The Register shall be formed and maintained in order to select the executors of the state defense order in accordance with the legislation on the state defense order.

Chapter 2. Procedure of forming and maintaining the register of domestic producers and domestic suppliers of works and services

4. Formation and maintenance of the Register shall be carried out by operators for the execution of the state defense order, determined by the Government of the Republic of Kazakhstan (hereinafter - the operators).

5. The register shall be maintained in accordance with the form in Appendix 1 to these Rules.

6. Domestic producers and domestic suppliers of works and services, who are residents of the Republic of Kazakhstan and have provided the full package of documents listed in paragraph 10 of these Rules, shall be included in the Register.

7. Domestic producers and domestic suppliers of works and services included in the register of unscrupulous participants in public procurements shall not be included in the Register.

8. Formation and maintenance of the Register shall be carried out by including in it and excluding from it the domestic producers and domestic suppliers of works and services, also making changes and additions to the information on them contained in the Register according to the statements of the operators based on the decision of the authorized body.

9. Formation and maintenance of the Register shall be carried out by operators in the directions of activity on the basis of filed applications for inclusion in the Register of domestic producers and domestic suppliers of works and services (hereinafter - Application) from domestic producers and domestic suppliers of works and services in accordance with the form in Appendix 2 to these Rules signed by the chief executive of the legal entity.

10. Domestic producers and domestic suppliers of works and services shall address the applications to operators in the relevant direction.

Applications shall be accepted until March 1 and September 1 of the current year, respectively.

The following documents shall be attached to the application:

1) a copy of the constituent documents with obligatory presentation of the original for insight or a notarized copy of the constituent documents;

2) a copy of the certificate of state (accounting) registration (re-registration) of a legal entity (branch, representative office) or a copy of a certificate of state (account) registration, indicating the business identification number;

3) a document proving the absence of tax debt, arrears on mandatory pension contributions and social contributions;

- 4) a document proving financial solvency (own, borrowed funds);
- 5) a copy of the license to carry out the corresponding type of activity subject to mandatory licensing in accordance with the Law of the Republic of Kazakhstan dated May 16, 2014 “On Permits and Notifications” and (or) a license from the E-Licensing web portal www.elicense.kz;
- 6) standards in accordance with the legislation on technical regulation (if any);
- 7) certificate of conformity (a document certifying compliance of products, services with the requirements established by technical regulations, provisions on standards) - for manufacturers of military and special uniforms, insignia and personal protective equipment (light industry);
- 8) a document proving the availability of owned production facilities, capacities, technological equipment and qualified professionals necessary for the production of goods (products), works and services that are the subject of the defense order in the amount specified by the customer.

The application and documents indicated in this paragraph shall be submitted in paper form.

11. The application shall be examined by the commission formed by the operator, no more than 30 (thirty) calendar days, subject to submission of the documents referred to in paragraph 10 of these Rules.

The Commission shall comprise representatives of the authorized body, state customer and operators.

The decision of the Commission shall be the ground for inclusion in the Register.

11-1. Organizations under the jurisdiction of the authorized body and its departments, state customers, catering to the needs of the Armed Forces, other troops and military formations in the production of defense goods (products), dual-use (dual application) goods (products) and supply of defense works and defense services shall be entered in the Register without consideration by the Commission.

Footnote. The rules are supplemented by paragraph 11-1 in accordance with the order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated May 22, 2018 No. 85 / HK (shall be enforced upon expiry of ten calendar days after the day its first official publication).

12. In the event that the Commission reveals inconsistencies in the documents referred to in paragraph 10 of these Rules, the operator shall notify the domestic producer or the domestic supplier of works and services within 2 (two) working days from the date of the protocol issuance.

Within 3 (three) working days from the date of the notice receipt, the domestic commodity producer and the domestic supplier of works and services shall notify the operator in writing of elimination of the identified inconsistencies attaching the documentary evidence.

Footnote. Paragraph 12 is in the wording of the order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated 05.22.2018 No. 85 / HK (shall be enforced upon expiry of ten calendar days after the day its first official publication).

13. Within 5 (five) working days after the deadline for consideration of the application, operators shall direct to the address of the authorized body the generated Register with attached copies of the documents.

13-1. The register shall be approved by the authorized body in coordination with state customers (the Ministry of Defense of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan) in accordance with the competence provided for in subparagraph 3-2) of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan dated January 19, 2001 No. 144 "On the State Defense order ".

Footnote. The rules are supplemented by paragraph 13-1 in accordance with the order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated May 22, 2018 No. 85 / HK (shall be enforced upon expiry of ten calendar days after the day its first official publication).

14. Changes and additions shall be entered on the Register no more than twice a year, in June and November of the current year.

Footnote. Clause 14 is in the wording of the order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated 05.22.2018 No. 85 / HK (shall be enforced upon expiry of ten calendar days after the day its first official publication).

15. The approved Register, also amendments and additions to it, shall be communicated to the operators within 5 (five) working days from the date the relevant decision of the authorized body comes into effect.

16. The producers and suppliers of defense works and services shall be subject to exclusion from the Register in the event of:

1) establishment of inaccuracy, by way of overstatement by the legal entity of the declared volumes of the availability of production facilities, capacities, technological equipment necessary for the production of goods (products), works and services that are the subject of the defense order, determined by the Commission;

2) presence of enforced court ruling on exclusion from the Register;

3) inclusion in the Register of unscrupulous state procurements participants.

Footnote. Clause 16 as amended by the order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated May 22, 2018 No. 85 / HK (shall be enforced upon expiry of ten calendar days after the day its first official publication).

17. Excluded by order of the Minister of Defense and Aerospace Industry of the Republic of Kazakhstan dated May 22, 2018 No. 85 / HK (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Appendix1
to Rules of forming and
maintaining the register of domestic
producers and domestic suppliers of
works and services
Form

Register of domestic producers and domestic suppliers of works and services

№	Name of producer/ supplier	Direction of activity	Place of registration	Place of services production / rendering	Date and number of the resolution on inclusion in the Register	Date and number of the resolution on exclusion from the Register

Appendix2
to Rules of forming and
maintaining the register of
domestic producers and domestic
suppliers of works and services
Form

**Application
for inclusion in the register of domestic producers and domestic
suppliers of works and services**

to _____

_____ (name of state defense order operator in the given direction, determined in accordance with the resolution of the Government of the Republic of Kazakhstan) from

_____ (name of the legal entity) in the direction _____

_____ (in accordance with paragraph 1 Article 3 of the Law of the Republic of Kazakhstan

"On the State Defence Order") details of the applicant:
full name of the legal entity: _____

_____ type of activity _____

_____ BIN _____

full name of the chief executive _____

address: _____

telephone (fax): _____

Bank details of the legal entity:

IIC _____

BIC _____

Name of the bank of the legal entity _____

Attached to the application:

1) _____

2) _____

(name of the legal entity and full name of the chief executive or representative of the legal entity acting by proxy (number and date of granting the power of proxy)

" ____ " _____ 20 __ year.

C/S. (if any)