



On approval of the Rules for the transfer of the insurance portfolio of an insurance (reinsurance) organization, as well as the features of the transfer of the insurance portfolio in the event of deprivation of the license of an insurance (reinsurance) organization and the Rules for the transfer of the insurance portfolio of a branch of an insurance (reinsurance) organization - non-resident of the Republic of Kazakhstan, as well as the features of the transfer of the insurance portfolio in case of deprivation of the license of a branch of an insurance (reinsurance) organization - non-resident of the Republic of Kazakhstan

Unofficial translation

Resolution of the Board of the National Bank of the Republic of Kazakhstan of October 29, 2018 No. 262. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 7, 2018 No. 17885.

Footnote. The heading is in the wording of the resolution of the Board of the Agency of the Republic of Kazakhstan for regulation and development of the financial market dated 23.11.2022 No. 102 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Unofficial translation

In accordance with the Law of the Republic of Kazakhstan “On Insurance Activities”, the Board of the National Bank of the Republic of Kazakhstan **HEREBY RESOLVES:**

Footnote. The preamble is in the wording of the resolution of the Board of the Agency of the Republic of Kazakhstan for regulation and development of the financial market dated 23.11.2022 No. 102 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. To approve:

1) the Rules for the transfer of the insurance portfolio to an insurance (reinsurance) organization, as well as the features of the transfer of the insurance portfolio in the event of deprivation of the license of an insurance (reinsurance) organization in accordance with Appendix 1 to this resolution;

2) the Rules for the transfer of the insurance portfolio of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan, as well as features of the transfer of the insurance portfolio in the event of deprivation of the license of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan in accordance with Appendix 2 to this resolution.

Footnote. Paragraph 1 is in the wording of the resolution of the Board of the Agency of the Republic of Kazakhstan for regulation and development of the financial market dated

23.11.2022 No. 102 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. Resolution No. 303 of the Board of the National Bank of the Republic of Kazakhstan dated December 26, 2016 "On Approval of the Transfer of the Insurance Portfolio and the Specifics of the Transfer of the Insurance Portfolio from the Date of Entry Into Force of a Court Decision on the Forced Liquidation of the Insurance (Reinsurance) Organization, as well as Deactivation or Deprivation of the License of the Insurance (Reinsurance) Organization"(registered in the Register of State Registration of Regulatory Legal Acts under No. 14787, published on February 24, 2017 in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan).

3. The Department for the Regulation of Non-Bank Financial Organizations (A. M. Kosherbayeva), in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall ensure:

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

2) within ten calendar days from the date of state registration of this resolution, its sending in Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information" for official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

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

4) within ten working days after the state registration of this resolution, submitting to the Legal Department the information on the implementation of measures provided for by subparagraphs 2), 3) of this paragraph and paragraph 4 of this resolution.

4. Within ten calendar days after the state registration of this resolution, the Directorate for Protection of the Rights of Consumers of Financial Services and External Communications (A.T. Terentyev) shall ensure direction of its copy to official publication in periodicals.

5. The control over the execution of this resolution shall be imposed on Deputy Chairman of the National Bank of the Republic of Kazakhstan Zh. B. Kurmanov.

6. This resolution shall enter into force upon the expiry of ten calendar days after the day of its first official publication.

7. The following shall be suspended prior to January 1, 2019:

1) paragraph 4 of the Rules, having established that during the period of suspension this paragraph shall remain in effect as follows:

"4. In the cases provided for by the second part of paragraph 3, paragraph 5 of article 37-1, paragraph 4 of article 54-1, paragraph 1-1 of article 55, paragraph 3-1 of article 56,

paragraph 1 of article 69-1 of the Law, obtaining consent of policyholders for the transfer of the insurance portfolio shall not be required.";

2) subparagraph 3) of paragraph 12 of the Rules, having established that during the period of suspension this subparagraph shall act as follows:

"3) the absence of existing limited measures of impact and (or) sanctions applied by the authorized body at the time of filing the application of the intention to accept the insurance portfolio of the insurance organization (hereinafter referred to as - the application);".

*Chairman
of the National Bank*

D. Akishev

Appendix 1
to the resolution of the Board
of the National Bank
of the Republic of Kazakhstan
dated October 29, 2018 No. 262

Rules for the transfer of the insurance portfolio to an insurance (reinsurance) organization, as well as the features of the transfer of the insurance portfolio in the event of deprivation of a license of an insurance (reinsurance) organization

Footnote. The Rules are in the wording of the resolution of the Board of the Agency of the Republic of Kazakhstan for regulation and development of the financial market dated 23.11.2022 No. 102 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for the transfer of the insurance portfolio by an insurance (reinsurance) organization, as well as the features of the transfer of the insurance portfolio in the event of deprivation of a license of an insurance (reinsurance) organization (hereinafter - the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan "On Insurance Activities" (hereinafter - the Law) and shall determine the procedure for the transfer of the insurance portfolio by an insurance (reinsurance) organization, the procedure and features of the transfer of the insurance portfolio in the event of deprivation of the license of an insurance (reinsurance) organization.

2. Basic concepts used in the Rules:

1) a potential insurer-purchaser - an insurance (reinsurance) organization that has expressed interest in accepting the insurance portfolio;

2) an organization for guaranteeing payments - an organization that guarantees the implementation of insurance payments to policyholders (insured, beneficiaries) in the event of liquidation of insurance organizations for guaranteed classes (types) of insurance included in the system of guaranteeing insurance payments;

3) transfer of the insurance portfolio - transfer by an insurance (reinsurance) organization, temporary administration of the insurance portfolio consisting of obligations of an insurance (reinsurance) organization for risks accepted under insurance (reinsurance) contracts, including under insurance (reinsurance) contracts, the validity of which have expired, for which the insurance (reinsurance) organization bears obligations or there is a likelihood of obligations arising in the future to policyholders (insured, beneficiaries, reinsurers), to another insurance organization (organizations) licensed for the transferred class (classes) of insurance;

4) an insurer-purchaser - an insurance (reinsurance) organization accepting the insurance portfolio;

5) a temporary administration - a body appointed by the authorized body when an insurance (reinsurance) organization has been deprived of a license to carry out insurance (reinsurance) activities until the court decision on the liquidation of the insurance (reinsurance) organization enters into legal force in order to ensure the safety of property with the implementation of measures to ensure management of an insurance (reinsurance) organization ;

6) an authorized body - an authorized body for regulation, control and supervision of the financial market and financial organizations;

7) an authorized person (authorized persons) - person (persons) of an insurance (reinsurance) organization who has (have) the right to make a decision on partial (for one or more classes of insurance, type of activity) or complete transfer of the insurance portfolio;

8) guaranteed classes of insurance – classes of insurance for which a guarantee is provided in accordance with the Law of the Republic of Kazakhstan “On the Insurance Payment Guarantee Fund”;

9) other classes of insurance – classes other than the guaranteed classes of insurance.

3. The transfer of the insurance portfolio by an insurance (reinsurance) organization shall be carried out in the following cases:

1) exclusion from the license of an insurance (reinsurance) organization of certain classes of insurance and (or) type of activity on the basis of a decision of the general meeting of shareholders of an insurance (reinsurance) organization and (or) a decision of the authorized body;

2) changes in the insurance industry of an insurance (reinsurance) organization based on the decision of general meeting of shareholders of an insurance (reinsurance) organization;

3) voluntary return of the license to carry out insurance (reinsurance) activities on the basis of the decision of general meeting of shareholders of an insurance (reinsurance) organization;

4) adoption by the general meeting of shareholders of an insurance (reinsurance) organization of the decision on its voluntary liquidation;

5) adoption by the general meeting of shareholders of an insurance (reinsurance) organization of the decision on its voluntary reorganization into a legal entity that does not carry out insurance (reinsurance) activities;

6) adoption by the authorized body of a decision on the forced transfer of the insurance portfolio for guaranteed classes of insurance to an insurance (reinsurance) organization;

7) adoption by the authorized body of a decision to revoke the license to carry out insurance (reinsurance) activities and (or) for certain classes of insurance of an insurance (reinsurance) organization.

4. When transferring the insurance portfolio, an insurance (reinsurance) organization shall :

1) for guaranteed classes of insurance, transfer the insurance portfolio to another insurance organization (organizations) with mandatory notification of policyholders (reinsurers) about the insurance organization (organizations) that accepted the insurance portfolio;

2) for other classes of insurance, with the consent of the policyholder (reinsurer) to choose a new insurance (reinsurance) organization, transfer the insurance portfolio to another (other) insurance organization (organizations) or, in the event of receiving a written objection from the policyholder (reinsurer) to the transfer of the insurance portfolio, within ten calendar days from the date of publication of the announcement in accordance with the requirement of paragraph 4 of Article 37-1 of the Law, terminate the insurance (reinsurance) agreement with the policyholder (reinsurer);

3) for reinsurance - transfer the insurance portfolio to another (other) insurance (reinsurance) organization (organizations) having a license for reinsurance, only if there is a consent of the reinsurer (assignor) to such transfer.

5. Transfer of the insurance portfolio on the grounds provided for in subparagraphs 1)-5) of paragraph 3 of the Rules shall be possible only if an insurance (reinsurance) organization has sufficient assets to secure obligations under the insurance portfolio on the date of the decision.

The sufficiency of an insurance (reinsurance) organization's assets for the transfer of the insurance portfolio shall be determined based on the size of the insurance reserves formed in accordance with the assumed obligations.

6. The decision to transfer the insurance portfolio shall be made in writing in any form, signed by the authorized person (authorized persons) of an insurance (reinsurance) organization.

7. Decisions of the general meeting of shareholders of an insurance (reinsurance) organization, provided for in paragraph 3 of the Rules, shall be sent by an insurance (reinsurance) organization to the authorized body within 10 (ten) working days from the date of the decision.

The following shall be attached to the decision sent to the authorized body:

a list of insurance classes and (or) types of activities for which the insurance portfolio is transferred;

the amount of liabilities for the insurance portfolio expected to be transferred, broken down by insurance class and (or) type of activity;

a list of assets that are expected to be transferred as part of the insurance portfolio, indicating their value reflected in the balance sheet or estimated (if any);

a list of measures to carry out the transfer of the insurance portfolio, indicating the timing of their implementation.

8. At the written request of the authorized body, an insurance (reinsurance) organization shall provide explanations and supporting documents related to the transfer of the insurance portfolio.

Chapter 2: Choosing an insurer-purchaser

9. Choosing an insurer-purchaser shall be carried out according to the following criteria:

1) availability of a license (licenses) of the authorized body to carry out those classes of insurance and (or) type of activity for which the insurance portfolio is transferred;

2) compliance with prudential standards and other mandatory standards and limits for the last reporting date and forecast values of the solvency margin adequacy standard and the adequacy standard of highly liquid assets (hereinafter - the forecast values of prudential standards) for the next 2 (two) years, taking into account the upcoming adoption insurance portfolio;

3) absence of existing supervisory response measures and (or) sanctions applied by the authorized body at the time of filing an application of intention to accept the insurance portfolio of an insurance (reinsurance) organization (hereinafter - the application);

4) participation in the system of guaranteeing insurance payments (when transferring the insurance portfolio according to guaranteed classes of insurance).

10. A letter of offer to accept the insurance portfolio of an insurance (reinsurance) organization shall be sent by an insurance (reinsurance) organization to the potential insurer-purchaser with a deadline for its consideration and submission of a response no later than 5 (five) working days after receipt of the letter of offer.

The offer letter indicates the expected volume of obligations for the transferred insurance portfolio and assets of an insurance (reinsurance) organization.

An agreement (obligation) on maintaining confidentiality and non-disclosure of information received in connection with consideration of the possibility of accepting the insurance portfolio, drawn up in any form, shall be attached to the offer letter.

11. Upon receipt of a letter of offer to accept the insurance portfolio, the insurers-purchasers shall sign an agreement (obligation) on maintaining confidentiality and

non-disclosure of information received in connection with consideration of the possibility of accepting the insurance portfolio, and send it to the insurance (reinsurance) organization within the period specified in paragraph 10 Rules

12. At the request of the insurer-purchaser who has received a letter of offer, an insurance (reinsurance) organization no later than 7 (seven) working days from the date of receipt of the request shall submit additional information in compliance with the requirements established by the legislative acts of the Republic of Kazakhstan on non-disclosure of information constituting a secret protected by law.

13. Potential insurers-purchasers who have received a letter of offer within the period provided for in part one of paragraph 10 of the Rules shall submit a response from the insurance (reinsurance) organization. Upon acceptance of the conditions specified in the offer letter, the insurer-purchaser shall send an application drawn up in any form, indicating the information provided for in paragraph 9 of the Rules, and attaching the following documents:

1) copies of the decision of an authorized person of the potential insurer-purchaser to accept the insurance portfolio;

2) forecast values of prudential standards for the next 2 (two) years, taking into account the upcoming adoption of the insurance portfolio.

14. If there are two or more potential insurers-purchasers who have submitted applications and meet the requirements of paragraph 9 of the Rules, an insurance (reinsurance) organization shall choose the insurer-purchaser with the best indicators of the forecast values of prudential standards.

If there are two or more potential insurer-purchasers who have offered the same forecast values of prudential standards, an insurance (reinsurance) organization shall select the potential insurer-purchaser with the largest amount of assets as of the last reporting date.

15. When transferring the insurance portfolio according to guaranteed classes of insurance , if:

none of the insurance (reinsurance) organizations operating in the “life insurance” industry meets the requirements established in paragraph 9 of the Rules, or none of the insurance (reinsurance) organizations operating in the “life insurance” industry has declared intentions to accept the insurance portfolio, the transfer of the insurance portfolio shall be carried out by an insurance (reinsurance) organization operating in the “life insurance” industry, with the participation of the state;

none of the insurance (reinsurance) organizations operating in the “general insurance” industry meets the requirements established in paragraph 9 of the Rules, or none of the insurance (reinsurance) organizations operating in the “general insurance” industry has declared intentions to accept the insurance portfolio of an insurance (reinsurance) organization, the insurance (reinsurance) organization shall notify the authorized body of the absence of insurers-purchasers. In this case, the transfer of the insurance portfolio shall be carried out by an insurance (reinsurance) organization operating in the “general insurance”

industry, by decision of the authorized body, based on the size of the assets of the acquiring insurers as of the last reporting date and compliance with prudential standards.

16. The decision of an insurance (reinsurance) organization on the choice of the insurer-purchaser to whom the insurance portfolio will be transferred shall be notified in writing to the authorized body within 3 (three) working days.

An insurance (reinsurance) organization shall publish an announcement on the choice of the insurer-purchaser to whom the insurance portfolio is transferred in two periodicals distributed throughout the Republic of Kazakhstan, in the Kazakh and Russian languages and on the Internet resource of the insurance (reinsurance) organization, no later than 5 (five) working days from the date of notification of the authorized body.

Chapter 3. Consent of policyholders to transfer the insurance portfolio

17. When transferring an insurance portfolio for guaranteed classes of insurance, obtaining the consent of policyholders (reinsurers) to transfer the insurance portfolio is not required and the insurance (reinsurance) organization shall transfer the insurance portfolio in accordance with the requirements of subparagraph 1) of paragraph 4 of the Rules.

The transfer of the insurance portfolio for other classes of insurance and (or) reinsurance shall be carried out by an insurance (reinsurance) organization with the consent of the policyholders and (or) reinsurers (assignor) in accordance with the requirements of subparagraphs 2) and 3) of paragraph 4 of the Rules.

18. In order to notify policyholders (insured, beneficiaries, reinsurers) for the classes of insurance specified in subparagraph 2) of paragraph 4 of the Rules, the insurance (reinsurance) organization shall publish in the Kazakh and Russian languages an announcement about the upcoming transfer of the insurance portfolio in two periodicals distributed throughout the territory of the Republic of Kazakhstan, and on the Internet resource of the insurance (reinsurance) organization within five working days from the date of the decision to transfer the insurance portfolio.

The announcement shall indicate the procedure, the deadline for submitting objections, which is 10 (ten) calendar days from the date of publication of this announcement, and addresses at which objections of policyholders (reinsurers) are accepted in the event of their disagreement with the transfer of insurance (reinsurance) contracts by insurance class (type of activity), specified in subparagraphs 2) and 3) of paragraph 4 of the Rules.

The absence of a written objection from the policyholder (reinsurer) within the period established by part two of this paragraph shall be considered as the consent of the policyholder (reinsurer) to the transfer of the insurance portfolio according to the classes (types) of insurance specified in subparagraphs 2) and 3) of paragraph 4 of the Rules.

19. The insurance (reinsurance) organization, within 5 (five) calendar days from the date of expiration of the period established by part two of paragraph 18 of the Rules, shall form a list of policyholders (reinsurers) who do not agree to the transfer of the insurance portfolio,

insurance (reinsurance) contracts under which are subject to termination based on the application of the policyholder (reinsurer).

Chapter 4. Procedure for transferring the insurance portfolio

20. The insurance (reinsurance) organization shall generate information and documents related to the insurance portfolio in the form according to Appendix 1 to the Rules (hereinafter - Information on the insurance portfolio).

Information on the insurance portfolio shall be updated as the information contained in it changes or new information is received in connection with the termination of the insurance (reinsurance) contract, obtaining the consent or refusal of the policyholder (reinsurer) to transfer the insurance (reinsurance) contract, receiving an application for an insured event, payment by the policyholder of the insurance premium, insurance payment and other changes.

21. An insurance business shall be formed for the insurance portfolio, provided for by the Rules for the formation of a risk management and internal control system for insurance (reinsurance) organizations, branches of non-resident insurance (reinsurance) organizations of the Republic of Kazakhstan, approved by the resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 27, 2018 No. 198 , registered in the Register of state registration of regulatory legal acts of the Republic of Kazakhstan under No. 17462, and (or) the database of the liquidated insurance organization.

22. The insurance (reinsurance) organization shall make a preliminary calculation of the size of insurance reserves for the insurance portfolio.

Insurance reserves include:

reserve of unearned premium;

reserve for occurred but not declared losses;

reserve for non-occurring losses under life insurance contracts;

reserve for losses that have not occurred under annuity contracts;

reserve for declared but not settled losses.

The calculation of insurance reserves shall be carried out in accordance with the requirements for the formation, methodology for calculating insurance reserves and their structure, established by the regulatory legal act of the authorized body in accordance with paragraph 3 of Article 47 of the Law.

23. After determining the preliminary size of insurance reserves corresponding to the insurance liabilities expected to be transferred, the insurance (reinsurance) organization shall draw up a list of assets that are expected to be transferred along with the insurance portfolio.

The list of assets contains:

size, type and list of assets that are transferred as part of the insurance portfolio (accounts receivable from policyholders and other assets);

size, type and list of assets that correspond to assets accepted to cover insurance reserves;

size, type and list of other assets for the missing amount and options for replacing them with assets that correspond to the assets accepted to cover insurance reserves (in case of insufficient size of assets that correspond to assets accepted to cover insurance reserves in relation to the size of insurance reserves corresponding expected to be transferred to insurance obligations).

As the event occurs, provided for in part two of paragraph 20 of the Rules, the amount of liabilities (insurance reserves) for the transferred insurance portfolio shall be revalued.

24. The assessment of the amount of obligations (insurance reserves) for the transferred insurance portfolio shall be carried out by the full-time actuary of the insurance (reinsurance) organization and (or) the full-time actuary of the insurer-purchaser.

If necessary, the insurance (reinsurance) organization and (or) the acquiring insurer shall engage an independent actuary to calculate the amount of insurance reserves corresponding to the transferred insurance portfolio as of the date of transfer of the insurance portfolio.

25. If the assets of an insurance (reinsurance) organization transferred with the insurance portfolio do not comply and are not accepted by the insurer-purchaser, the insurance (reinsurance) organization shall carry out the necessary measures (purchase and sale, exchange and other operations) aimed at replacing these assets.

26. The contract on the transfer of the insurance portfolio shall be concluded in writing.

27. The contract on the transfer of the insurance portfolio includes information on:

1) classes of insurance and (or) type of activity included in the insurance portfolio, broken down by class of insurance and (or) type of activity, indicating the date of their transfer;

2) rights and obligations regarding the insurance portfolio (the amount of the unpaid insurance premium, the timing of payment of the insurance premium, taking into account deferment or installments, the number of days of delay in payment of the insurance premium, insurance payments made, declared but not settled losses) on the date of transfer of the insurance portfolio;

3) the procedure and terms for the transfer of documents and information on the transferred insurance portfolio, as well as documents reflecting the execution of insurance (reinsurance) contracts (originals of insurance (reinsurance) contracts, documents confirming payment of the insurance (reinsurance) premium (insurance contributions), documents collected by an insurance (reinsurance) organization in the settlement of insured events, as well as documents confirming the implementation of insurance payments, documents on unsettled insured events) on the date of transfer of the insurance portfolio;

4) the procedure and terms for the transfer of documents and information on the transferred insurance portfolio received by the insurance (reinsurance) organization after the transfer of the insurance portfolio;

5) the amount of insurance reserves for the insurance portfolio by insurance class;

6) the size, composition and value of the transferred assets, and the period of their transfer

;

7) the possibility of replacing assets;

8) payment of insurance premiums for guaranteed classes (types) of insurance. In the absence of the specified information in the agreement on the transfer of the insurance portfolio, payment of insurance premiums for guaranteed classes (types) of insurance shall be assigned to the insurer-purchaser.

28. If the insurance (reinsurance) organization knows all the essential terms of the contract on the transfer of the insurance portfolio, the appropriate consents for its transfer are obtained and all the conditions necessary for the transfer of the insurance portfolio are met, the insurance (reinsurance) organization shall send an offer to one or more insurers with a proposal to conclude a contract on the transfer of the insurance portfolio, including through a public offer.

29. If the insurance (reinsurance) organization intends to transfer the insurance portfolio, but the conditions of the contract on the transfer of the insurance portfolio regarding the final scope of rights and obligations to be included in the transferred insurance portfolio are not determined, the insurance (reinsurance) organization and the insurer-purchaser shall enter into a preliminary contract on the transfer of the insurance portfolio.

Under a preliminary contract on the transfer of an insurance portfolio, the insurance (reinsurance) organization and the insurer-purchaser shall undertake an obligation to enter into a future contract on the transfer of an insurance portfolio (main contract) on the conditions provided for in the preliminary contract.

The preliminary contract shall be concluded in writing, contain conditions allowing to establish the subject of the contract, as well as other conditions of the parties to the contract on the transfer of the insurance portfolio, indicating the period within which the parties undertake to conclude it.

30. An insurance (reinsurance) organization within 1 (one) working day after the day of concluding a contract on the transfer of the insurance portfolio and signing the act of acceptance and transfer of documents under the contract on the transfer of the insurance portfolio in the form according to Appendix 2 to the Rules (hereinafter - the act of acceptance and transfer) shall send the copies of these documents to the authorized body.

31. An insurance (reinsurance) organization, within 3 (three) working days from the date of concluding a contract on the transfer of the insurance portfolio and signing the acceptance certificate, shall send to the organization for the formation and maintenance of the insurance database an official notification containing information about the classes of insurance (type of activity) of the transferred insurance portfolio and copies of documents confirming the transfer of the insurance portfolio.

32. After concluding a contract on the transfer of the insurance portfolio, the insurance (reinsurance) organization shall transfer to the insurer-purchaser in the time frame, manner and on the terms agreed upon by the parties in the contract on the transfer of the insurance portfolio, all documents related to the insurance portfolio, assets in the amount of insurance

reserves corresponding transferred insurance obligations, information and other information and documents in accordance with the conditions of the contract on the transfer of the insurance portfolio.

33. If from one insurance contract, in addition to insurance obligations, other obligations arose, then the transfer of the rights and obligations of the insurance (reinsurance) company shall be carried out with the simultaneous transfer of its rights and obligations under other obligations in the manner established by the legislation of the Republic of Kazakhstan on insurance and insurance activities.

34. When transferring an insurance portfolio, the rights and obligations of the insurance (reinsurance) organization for the transferred insurance portfolio shall be transferred to the insurer-purchaser to the extent and on the same conditions that exist on the date of transfer of the insurance portfolio.

The insurer-purchaser, from the date of transfer to it of rights and obligations in the insurance portfolio, shall have all unexpired rights and bear all unexpired obligations of the insurance (reinsurance) organization.

35. The insurance (reinsurance) organization, on the terms agreed upon by the parties in the contract on the transfer of the insurance portfolio, shall transfer to the insurer-purchaser all documents and information received by the insurance (reinsurance) organization after the transfer of the insurance portfolio.

36. The announcement of the completed transfer of the insurance portfolio shall be published by the insurance (reinsurance) organization in periodicals distributed throughout the Republic of Kazakhstan, in the Kazakh and Russian languages and on the Internet resource of the insurance (reinsurance) organization within 5 (five) working days after the day of acceptance by the insurer-purchaser of the insurance portfolio of the insurance (reinsurance) organization under the acceptance certificate.

The announcement contains information about:

the date of transfer of the insurance portfolio;

the name of the insurer-purchaser, its location including branches and representative offices, contact numbers.

37. The transfer of the insurance portfolio between the subsidiary insurance (reinsurance) organizations of the parent bank that carried out the operation provided for in Article 61-4 of the Law of the Republic of Kazakhstan “On Banks and Banking Activities in the Republic of Kazakhstan” shall be carried out without obtaining the consent of the policyholder (reinsurer).

38. Notification of policyholders (beneficiaries) about the upcoming transfer of the insurance portfolio between the subsidiary insurance (reinsurance) organizations of the parent bank shall be carried out by publishing an announcement about the transfer of the insurance portfolio in periodicals distributed throughout the Republic of Kazakhstan, in the Kazakh and Russian languages and on the Internet resource of the insurance organization within 5 (five) working days from the date of making the decision.

Chapter 5. Features of the transfer of the insurance portfolio in the event of deprivation of the license of an insurance (reinsurance) company

39. If the license of an insurance (reinsurance) organization is deprived, the transfer of the insurance portfolio for guaranteed classes of insurance to another insurance organization (organizations) shall be carried out by the temporary administration.

The temporary administration shall carry out the transfer of the insurance portfolio for guaranteed classes of insurance in accordance with the requirements of subparagraph 1) of paragraph 4 of the Rules.

The choice of the insurer-purchaser and transfer of the insurance portfolio shall be carried out by the temporary administration in accordance with Chapters 2 and 4 of the Rules, taking into account the features provided for in this chapter.

40. The temporary administration, within two working days from the date of deprivation of the license of the insurance (reinsurance) organization, shall form and transfer to the organization for guaranteeing payments the registers of contracts of the liquidated insurance (reinsurance) organization, which are formed from the databases of the organization for the formation and maintenance of the database and the liquidated insurance (reinsurance) organization by classes (types) of insurance for which a guarantee is provided in accordance with the Law of the Republic of Kazakhstan “On the Insurance Payment Guarantee Fund”.

41. The transfer of the insurance portfolio shall be carried out within thirty working days from the date of deprivation of the license.

If necessary, the temporary administration requests an extension of the deadline for the transfer of the insurance portfolio, indicating in the petition the new deadline for the transfer of the insurance portfolio and the reason for the extension.

The request of the temporary administration to extend the period for transfer of the insurance portfolio shall be satisfied with documentary evidence of the reasons for extending the period for transfer of the insurance portfolio specified in the petition.

The authorized body shall consider the petition within five working days from the date of receipt of the petition and inform the temporary administration on the results of consideration of the petition to extend the period for transfer of the insurance portfolio by letter.

42. The transfer of the insurance portfolio for guaranteed classes of insurance shall be carried out at the expense of the organization for guaranteeing payments.

An organization for guaranteeing payments, if it is necessary to verify the correctness of calculations of insurance reserves (obligations) made in accordance with paragraph 22 of the Rules, shall engage an independent actuary.

43. The temporary administration shall send for approval to the authorized body the decision made on the choice of an insurance (reinsurance) organization (insurance (reinsurance) organizations) for the transfer of the insurance portfolio no later than the first working day following the day such a decision was made, and also notify about the

completion of the transfer of the insurance portfolio no later than the first working day following the day of completion of such transfer.

The decision on choosing an insurance (reinsurance) company (insurance (reinsurance) companies) shall be accompanied by:

a list of insurance classes by which the insurance portfolio is transferred;

the amount of obligations expected to be transferred for the transferred insurance portfolio, broken down by insurance class;

a list of measures to carry out the transfer of the insurance portfolio, indicating the timing of their implementation;

draft contract on the transfer of the insurance portfolio.

44. The authorized body shall consider the decision of the temporary administration to choose an insurance (reinsurance) organization (insurance (reinsurance) organizations) to transfer the insurance portfolio within five working days from the date of its receipt.

The basis for the refusal of the authorized body to approve the decision of the temporary administration shall be non-compliance of the insurance (reinsurance) organization accepting the insurance portfolio with the requirements of the Rules, including failure to comply with prudential standards and other mandatory norms and limits at the time of its adoption, both without and with taking into account the newly accepted insurance portfolio.

45. The temporary administration, no later than 5 (five) working days from the date of approval by the authorized body of the decision of the temporary administration on the choice of an insurance (reinsurance) organization (insurance (reinsurance) organizations) for the transfer of the insurance portfolio, shall publish an announcement on the selection of the insurer-purchaser to whom the insurance portfolio is transferred in two periodicals distributed throughout the Republic of Kazakhstan, in the Kazakh and Russian languages and on the Internet resource of the insurance organization.

46. The decision to transfer the insurance portfolio shall be drawn up in writing in any form, signed by the head or an authorized person of the head, members of the temporary administration.

47. At the written request of the authorized body, the temporary administration shall provide explanations and supporting documents related to the transfer of the insurance portfolio.

48. The temporary administration shall publish an announcement in the Kazakh and Russian languages about the transfer of the insurance portfolio in two periodicals distributed throughout the Republic of Kazakhstan, and on the Internet resource of the insurance (reinsurance) organization.

49. From the date of entry into force of a court decision on the forced liquidation of an insurance (reinsurance) organization, insurance (reinsurance) contracts concluded with a forcibly liquidated insurance (reinsurance) organization shall be terminated early in the manner determined by the Civil Code of the Republic of Kazakhstan, with the exception of

contracts on guaranteed types (classes) of insurance provided for by the Law of the Republic of Kazakhstan “On the Insurance Payment Guarantee Fund”.

Appendix 1
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as well as to the features of transfer
of the insurance portfolio in case
deprivation of license of an insurance
(reinsurance) organization

Form

Information on the insurance portfolio

	Number of the insurance contract (of the insurance policy)	Date of conclusion of the insurance contract	Name or surname, first name, patronymic (if any) of the policyholder, insured	Individual identification number or business identification number of the policyholder insured	Class of insurance	Commencement date of the insurance contract	Expiration date of the insurance contract	Amount of insured sum
1	2	3	4	5	6	7	8	9

continuation of the Table:

Amount of insurance premium	Date of payment of the insurance premium	Amount of insurance premium paid	Date of receipt of the application for the insured event	Date of occurrence of the insured event	Date(s) of the insurance payment(s) made	Amount(s) of the insurance payment(s) made	Deadlines for payment of unmade insurance payment(s)	Amount(s) of unmade insurance payment(s)
10	11	12	13	14	15	16	17	18

continuation of the Table:

The amount (sizes) of the formed insurance reserve under the insurance contract:						Information on obtaining consent to transfer the insurance portfolio (in cases specified by the legislation)
Date(s) of refusal on insurance payment payments)	Reserve for unearned (premium	Reserve for occurred but undeclared losses	Reserve for declared but unsettled losses	Reserve for non-occurring losses under life insurance contracts	Reserve for non-occurring losses under annuity contracts	
19	20	21	22	23	24	25

Signature of the first head of the insurance (reinsurance) organization or his/her deputy

(signature)

Date of signing " ____ " _____ 20____.

Note: The liability of the insurer-purchaser is not limited to the insurance (reinsurance) contracts specified in this Appendix.

Appendix 2
to the Rules for the transfer
of the insurance portfolio of an insurance
(reinsurance) organization,
as well as to the features of transfer
of the insurance portfolio in case
deprivation of license of an insurance
(reinsurance) organization

Form

The Act of acceptance and transfer of documents under the contract on transfer of the insurance portfolio _____ (the date of conclusion and contract number is indicated)

city _____ " ____ " _____ 20____

Insurance (reinsurance) organization transferring the insurance portfolio

_____,

(Name)

represented by _____

_____,

(surname, name, patronymic (if any))

acting on the basis _____

(details of the document defining the powers of the person) hereinafter referred to as “Party 1”,

on the one hand, and the insurance (reinsurance) organization accepting the insurance portfolio

_____,

(Name)

represented by _____

(surname, name, patronymic (if any)

acting on the basis _____

(details of the document defining the person's powers)

hereinafter referred to as "Party 2", on the other hand, and collectively referred to as the "Parties",

by signing this Act of acceptance and transfer of documents under the Contract on the transfer

of the insurance portfolio (hereinafter - the Act) confirms that:

1) Party 1 transferred and Party 2 accepted the documents in accordance with Appendix to this Act;

2) Party 2 has no claims to the list of documents specified in the Appendix to this Act;

3) Information to fill out:

(list of classes of insurance and (or) type of activity included in the insurance portfolio, the amount of transferred liabilities for the insurance portfolio broken down by class of insurance and (or) type of activity);

the Republic of Kazakhstan for regulation and development of the financial market dated 23.11.2022 No. 102 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for the transfer of the insurance portfolio of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan, as well as the features of transfer of the insurance portfolio in the event of deprivation of license of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan (hereinafter - the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan “On Insurance Activities” (hereinafter - the Law) and shall determine the procedure for transferring the insurance portfolio of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan, as well as the features of transfer of the insurance portfolio in the event of deprivation of license of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan (hereinafter – a branch)

2. Basic concepts used in the Rules:

1) a potential insurer-purchaser - an insurance (reinsurance) organization (branch) that has shown interest in accepting the insurance portfolio;

2) organization for guaranteeing payments - an organization that guarantees the implementation of insurance payments to policyholders (insured, beneficiaries) in the event of forced liquidation of insurance organizations, branches for guaranteed classes (types) of insurance included in the system of guaranteeing insurance payments;

3) transfer of the insurance portfolio - transfer by a branch, temporary administration of the insurance portfolio consisting of the branch’s obligations for risks accepted under insurance (reinsurance) contracts, including under insurance (reinsurance) contracts that have expired, for which the branch bears obligations or there is a possibility of obligations arising to policyholders (insured, beneficiaries, reinsurers), to another (other) insurance (reinsurance) organization (insurance (reinsurance) organizations), other branch (branches) of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan, having a license (licenses) for the transferred class (classes) of insurance;

4) an insurer-purchaser - an insurance organization (branch) accepting (receiving) the insurance portfolio;

5) an authorized body - an authorized body for regulation, control and supervision of the financial market and financial organizations;

6) a temporary administration - a body appointed by the authorized body when a branch is deprived of a license to carry out insurance (reinsurance) activities until the completion of the procedure for transferring the insurance portfolio and terminating insurance (reinsurance) contracts.

3. The transfer of the insurance portfolio by a branch or temporary administration shall be carried out in cases of termination of the branch's activities on the grounds provided for in paragraph 1 of Article 72-1 of the Law.

4. The grounds for transfer of the insurance portfolio shall be:

1) a decision of a non-resident insurance (reinsurance) organization of the Republic of Kazakhstan on the basis of a permit from the financial supervisory authority of the state of which the non-resident insurance (reinsurance) organization of the Republic of Kazakhstan is a resident, or a statement from the financial supervisory authority of the relevant state that such a permit is under the legislation of the insurance (reinsurance) non-resident organization of the Republic of Kazakhstan is not required;

2) decision of the authorized body to deprive the license;

3) decision of the authorized body to deprive the license of the branch for certain classes of insurance;

4) a decision of the financial supervisory authority of the state of which the insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan is a resident, to deprive an insurance (reinsurance) organization- non-resident of the Republic of Kazakhstan of a license to carry out insurance (reinsurance) activities.

5. The decision of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan to transfer the insurance portfolio of a branch shall be made if the insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan has sufficient assets to pay for the branch's obligations.

The sufficiency of assets for the transfer of the insurance portfolio shall be determined based on the size of insurance reserves formed in accordance with accepted obligations.

6. The transfer of the insurance portfolio that forcibly terminates the activities of the branch shall be carried out at the expense of the assets of the branch accepted as a reserve and money in bank accounts opened for the activities of the branch.

If there are insufficient assets of the branch accepted as a reserve and money in bank accounts opened for the activities of the branch, the transfer of the insurance portfolio for guaranteed types (classes) of insurance shall be carried out at the expense of the organization's funds for guaranteeing payments.

7. The decision to transfer the insurance portfolio shall be made in writing in any form, signed by the authorized person (authorized persons) of the branch, the chairman and heads of divisions of the temporary administration.

8. The branch, within 3 (three) working days from the date of the decision on voluntary termination of the branch's activities, shall notify the authorized body on the decision made, to which the following shall be attached:

a list of insurance classes and (or) types of activities for which the insurance portfolio is transferred;

the amount of liabilities for the insurance portfolio expected to be transferred, broken down by insurance class and (or) type of activity;

a list of assets that are expected to be transferred as part of the insurance portfolio, indicating their value reflected in the balance sheet or estimated (if any);

a list of measures to carry out the transfer of the insurance portfolio, indicating the terms for their implementation;

draft contract on the transfer of the insurance portfolio.

9. In order to notify policyholders (beneficiaries), the branch shall publish an announcement about the upcoming transfer of the insurance portfolio in two periodicals distributed throughout the Republic of Kazakhstan, in the Kazakh and Russian languages and on the branch's Internet resource no later than 5 (five) working days from the date of notification of the authorized body about the decision made on voluntary termination of the branch's activities.

When a branch transfers an insurance portfolio, the announcement indicates the procedure, deadlines for submitting objections and the addresses at which objections from policyholders (reinsurers) shall be accepted if they disagree with the transfer of the insurance contract.

10. At the written request of the authorized body, the branch, temporary administration shall submit explanations and supporting documents related to the transfer of the insurance portfolio.

11. The choice of the insurer-purchaser and the transfer of the insurance portfolio by the branch, temporary administration shall be carried out in the manner prescribed by the Rules for the transfer of the insurance portfolio to an insurance (reinsurance) organization, as well as the features of transfer of the insurance portfolio in the event of deprivation of the license of an insurance (reinsurance) organization, approved by this resolution.

Chapter 2. The procedure for transferring the insurance portfolio and the features of transferring the insurance portfolio in the event of deprivation of license of a branch of an insurance (reinsurance) organization-non-resident of the Republic of Kazakhstan

12. The branch and temporary administration shall prepare information and documents related to the insurance portfolio in the form according to Appendix 1 to the Rules (hereinafter- Information on the insurance portfolio).

Information on the insurance portfolio shall be updated as the information contained in it changes or new information is received in connection with termination of the insurance (reinsurance) contract, obtaining the consent or refusal of the policyholder (reinsurer) to transfer the insurance (reinsurance) contract, receiving an application for an insured event, payment by the policyholder of the insurance premium, insurance payment and other changes.

13. The procedure for transferring the insurance portfolio shall be carried out in accordance with Chapter 4 of the Rules for the transfer of the insurance portfolio to an

insurance (reinsurance) organization, as well as the features of transferring the insurance portfolio in the event of deprivation of license of an insurance (reinsurance) organization, approved by this resolution.

Appendix 1
to the Rules for transfer
of the insurance portfolio of a branch
of an insurance (reinsurance)
organization-non-resident
of the of Kazakhstan, as well as
the features of transfer of the insurance
portfolio in case of deprivation of license
of a branch of an insurance (reinsurance)
organization-non-resident
of the Republic of Kazakhstan

Form

Information on the insurance portfolio

№	Number of the insurance contract (insurance policy)	Date of conclusion of the insurance contract	Name or surname, first name, patronymic (if any) of the policyholder, insured	Individual identification number or business identification number of the policyholder, the insured	Class of insurance	Commencement date of the insurance contract	Expiration date of the insurance contract	Amount of insured sum
1	2	3	4	5	6	7	8	9

continuation of the Table:

Amount of insurance premium	Date of payment of insurance premium	Amount of insurance premium paid	Date of receipt of an application for the insured event	Date of occurrence of the insured event	Date(s) of the insurance payment(s) made	Amount (sizes) of the insurance payment (payments) made.	Deadlines for payment of the unpaid insurance payment (payments)	Amount (sizes) of the unpaid insurance payment (payments)
10	11	12	13	14	15	16	17	18

continuation of the Table:

The amount (sizes) of the formed insurance reserve under the insurance contract:						Information on obtaining consent to transfer the insurance portfolio (in cases specified by the legislation)
Date(s) of refusal of insurance payment (payments)	Reserve for unearned premiums	Reserve for occurred but undeclared losses	Reserve for declared but unsettled losses	Reserve for non-occurring losses under life insurance contracts	Reserve for non-occurring losses under annuity contracts	

Signature of the first head of the branch or his/her deputy, head, temporary administration

(signature)

Date of signing " ____ " _____ 20____.

Note: The liability of the insurer-purchaser is not limited to the insurance (reinsurance) contracts specified in this Appendix.

Appendix 2
to the Rules for transfer
of the insurance portfolio of a branch
of an insurance (reinsurance)
organization-non-resident
of the of Kazakhstan, as well as
the features of transfer of the insurance
portfolio in case of deprivation of license
of a branch of an insurance (reinsurance)
organization-non-resident
of the Republic of Kazakhstan

Form

The act of transfer and acceptance of documents under the contract on transfer of the insurance portfolio

(the date of conclusion and contract number is indicated)

city _____ " ____ " _____ 20____

Branch transferring the insurance portfolio

(Name)

represented by _____

(surname, name, patronymic (if any))

acting on the basis _____

(details of the document defining the powers of the person) hereinafter referred to as “Party 1”,

on the one hand, and the branch (insurance organization) receiving the insurance portfolio

(Name)
represented by _____

(surname, name, patronymic (if any))
acting on the basis _____

(details of the document defining the person's powers)
hereinafter referred to as "Party 2", on the other hand, and collectively referred to as the "Parties",

by signing this Act of acceptance and transfer of documents under the Contract on transfer of the insurance portfolio (hereinafter - the Act) confirms that:

- 1) Party 1 transferred and Party 2 accepted documents in accordance with the Appendix to this Act;
- 2) Party 2 has no claims to the list of documents specified in Appendix to this Act;
- 3) Information to fill out:

(amount of transferred liabilities for the insurance portfolio by insurance class);

(size, list and types of transferred assets of the branch, indicating the name, inventory number,

balance sheet (estimated - if any) value, documents confirming the ownership of the branch;

(cost and list of transferred rights of claim on receivables, indicating surname, name, patronymic (if any) or names of the debtors, account numbers on which the amounts of receivables are recorded, the grounds for the occurrence of receivables;

(transferred documents (contracts, certificates and other documents).

4) The act is drawn up and signed in two copies of equal force;

5) _____

(additional information (if any)).

Party 1

Party 2

(signature)

(signature)

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