



On approval of the Rules for issuing permission to open a branch of a non-resident bank of the Republic of Kazakhstan, as well as the Rules and conditions for conducting activities by a branch of a non-resident bank of the Republic of Kazakhstan

Unofficial translation

Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 21, 2020 No. 86. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 23, 2020 No. 21243

Unofficial translation

Footnote. It is no longer valid by the Resolution of the Board of the Agency for Regulation and Development of the Financial Market of the Republic of Kazakhstan No. 4 dated 25.01.2021 (it is put into effect after twenty-one calendar days after the date of its first official publication).

Note ILLI!

This resolution shall enter into force since December 16, 2020.

In accordance with the Law of the Republic of Kazakhstan dated August 31, 1995 "On Banks and Banking Activities in the Republic of Kazakhstan," the Board of the Agency of the Republic of Kazakhstan for the Regulation and Development of the Financial Market hereby RESOLVED as follows:

1. To approve:

- 1) Rules for issuing permission to open a branch of a non-resident bank of the Republic of Kazakhstan in accordance with Annex 1 to this resolution;
- 2) Rules and conditions of activity by a branch of a non-resident bank of the Republic of Kazakhstan according to Annex 2 to this resolution.

2. The Department of Methodology and Regulation of Financial Organizations, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall:

- 1) ensure jointly with the Legal Department, state registration of this resolution in the Ministry of Justice of the Republic of Kazakhstan;
- 2) place this resolution on the official Internet resource of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market after its official publication;
- 3) within ten working days after the state registration of this resolution, submit to the Legal Department information on the execution of the measures provided for in subparagraph 2) of this paragraph.

3. Control over the implementation of this resolution shall be entrusted to the supervising Deputy Chairman of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market.

4. This resolution shall enter into force from December 16, 2020 and shall be subject to official publication.

*Chairman of the Agency
of the Republic of Kazakhstan for Regulation and
Development of the Financial Market*

M. Abylkasymova

Annex 1
to the Resolution
of the Board of the Agency
of the Republic of Kazakhstan
for Regulation and Development
of the Financial Market
dated September, 21 2020 No. 86

Rules for issuing permission to open a branch of a non-resident bank of the Republic of Kazakhstan

Chapter 1. General provisions

1. These Rules for issuing permission to open a branch of a non-resident bank of the Republic of Kazakhstan (hereinafter referred to as the Rules) developed in accordance with the Laws of the Republic of Kazakhstan dated August 31, 1995 "On banks and banking activities in the Republic of Kazakhstan" (hereinafter referred to as the Law on Banks), dated July 4, 2003 "On state regulation, control and supervision of the financial market and financial organizations" and shall determine the procedure for issuing by the authorized body for regulation, control and supervision of the financial market and financial organizations (hereinafter referred to as the authorized body) permission to open a branch of a non-resident bank of the Republic of Kazakhstan (hereinafter referred to as the permission). The Rules also shall apply to branches of Islamic non-resident banks of the Republic of Kazakhstan.

Chapter 2. Procedure for issuing permission to open a branch of a non-resident bank of the Republic of Kazakhstan

2. The non-resident bank of the Republic of Kazakhstan shall apply to the authorized body for permission when the conditions specified in Article 29, paragraph 12 of the Law on Banks.

In order to obtain permission, the non-resident bank of the Republic of Kazakhstan shall submit to the authorized body an application for the issuance of permission to open a branch of the non-resident bank of the Republic of Kazakhstan in the form according to Annex 1 to the Rules (hereinafter referred to as the application) with the attachment of the following documents:

1) the decision of the non-resident bank of the Republic of Kazakhstan to open a branch in the territory of the Republic of Kazakhstan;

2) information about a non-resident bank of the Republic of Kazakhstan;

3) business plan of the opening branch of the non-resident bank of the Republic of Kazakhstan;

4) documents of persons proposed for positions of senior employees of the branch of the non-resident bank of the Republic of Kazakhstan;

5) documents provided for in Article 6-2 of the Law of the Republic of Kazakhstan dated April 17, 1995 "On state registration of legal entities and accounting registration of branches and representative offices";

6) information and documents confirming the presence in the location where the branch of the non-resident bank of the Republic of Kazakhstan shall be located, of its own premises with centralized access to the automated banking information system.

3. Information on the non-resident bank of the Republic of Kazakhstan shall be submitted in a form according to Annex 2 to the Rules with the attached financial reporting for the last 2 (two) completed financial years (including consolidated if available) certified by the auditing organization.

4. The business plan of the opening branch of a non-resident bank of the Republic of Kazakhstan, approved by an official of a non-resident bank of the Republic of Kazakhstan or a person authorized by a non-resident bank of the Republic of Kazakhstan to sign documents, not limited to the following, shall contain the following information:

disclosure of the detailed structure of the opening branch of the non-resident bank of the Republic of Kazakhstan, financial prospects (budget, settlement balance, profit and loss account for the first 3 (three) financial (operational) years, marketing plan (formation of clients of the branch of the non-resident bank of the Republic of Kazakhstan), as well as information on the organization of risk management;

description of the goals and objectives of the opening branch of the non-resident bank of the Republic of Kazakhstan and the types of services planned for the provision;

analysis of the activities of the opening branch of the non-resident bank of the Republic of Kazakhstan (analysis of the external and internal environment);

strategy of activity, development, directions and scope of activity of the opened branch of the non-resident bank of the Republic of Kazakhstan for 5 (five) next financial (operational) years;

detailed annual financial plan for 5 (five) next financial (operating) years (calculation of basic financial indicators, budget, balance sheet, profit and loss reporting, sources and volumes of financing of the business plan);

risk management plan (description of risks associated with banking activities and how to manage them for 5 (five) next financial (operational) years);

plan to attract labor resources for 5 (five) next financial (operational) years.

5. Documents issued by the financial supervisory authority or other competent bodies or persons of the state of which the non-resident bank of the Republic of Kazakhstan shall be a resident are subject to legalization or apostylation in accordance with the requirements of the legislation of the Republic of Kazakhstan or international treaties ratified by the Republic of Kazakhstan. These documents shall be translated into Kazakh and Russian and shall be subject to notarial certification in accordance with the legislation of the Republic of Kazakhstan on notaries.

6. The application with the attached documents shall be submitted on paper.

The application shall be considered by the authorized body within the period specified in Article 23, paragraph 1, of the Law on Banks.

7. If the documents submitted are incomplete by the non-resident bank of the Republic of Kazakhstan, the authorized body shall send a reasoned refusal to further consideration of the application within 10 (ten) calendar days from the moment of their receipt.

8. If the submitted documents do not comply with the requirements of the Law on Banks and the Rules, except for the grounds for refusal to issue a permit provided for in paragraph 11 of the Rules, the authorized body shall send a letter to the non-resident bank of the Republic of Kazakhstan with comments to eliminate them and submit revised (corrected) documents that meet the requirements of the banking legislation of the Republic of Kazakhstan.

The authorized body shall not accept for consideration documents stipulated by the Rules, having cleanup, registration or strikethrough words.

9. A notice of a permission or a reasoned response to a refusal to issue a permit shall be sent by an authorized body to a non-resident bank of the Republic of Kazakhstan within 4 (four) calendar days following the day of the decision (within the period established by Article 23, paragraph 1 of the Law on Banks).

10. Permission to open a branch of a non-resident bank of the Republic of Kazakhstan shall be issued in accordance with the form in accordance with Annex 3 to the Rules.

11. The authorized body shall refuse to issue a permit in cases where:

1) founder – the individual of the non-resident bank of the Republic of Kazakhstan, or the first head of the executive body or governing body of the founder - legal entity of the non-resident bank of the Republic of Kazakhstan:

has an outstanding or unresolved criminal record in accordance with the procedure established by law;

held the position of the first head of the management body, the first head of the executive body or its deputy, the chief accountant of the financial organization for no more than 1 (one) year prior to the adoption by the financial supervisory authority of the decision to classify the bank as insolvent banks, to preserve the financial institution or to forcibly repurchase its shares, to deprive the license of the financial institution resulting in its liquidation; and (or) termination of activity in the financial market, or entry into legal force of a court decision on

compulsory liquidation of a financial institution or its bankruptcy in accordance with the established legislation of the state, the resident of which is the founder - an individual of a non-resident bank of the Republic of Kazakhstan, in a manner.

The specified requirement shall apply within 5 (five) years after the decision to improve the financial institution, to deprive the financial institution of its license, to declare the financial institution insolvent, as well as to forcibly liquidate the financial institution or declare it bankrupt;

2) the business plan and other submitted documents do not show that:

after the first 3 (three) financial (operational) years, the activities of the branch of the non-resident bank of the Republic of Kazakhstan shall be profitable;

The branch of the non-resident bank of the Republic of Kazakhstan shall intend to comply with the requirements for risk limitation and create an appropriate management structure;

the branch of the non-resident bank of the Republic of Kazakhstan shall have an organizational structure corresponding to its business plans;

The branch of the non-resident bank of the Republic of Kazakhstan shall have an accounting and control structure corresponding to its business plans.

Annex 1
to the Rules issuing permission
for opening a branch of a
non-resident bank of the
Republic of Kazakhstan
Form

Application for issuing permission for opening a branch of non-resident bank of the Republic of Kazakhstan

(name of non-resident bank of the Republic of Kazakhstan, business identification number (if any), last name, first name, patronymic (if any) of the representative of the non-resident bank of the Republic of Kazakhstan)

(reference to a notarized or otherwise certified document,

confirming the applicant's authority to submit this application

on behalf of the non-resident bank of the Republic of Kazakhstan) requests, in accordance with the decision _____

(name of non-resident bank of the Republic of Kazakhstan)
on opening a branch in the territory of the Republic of Kazakhstan No. _____

from _____ " ____ ", 20 _____

(by whom)
to issue permission to open the

(name and location of the opening branch of the non-resident bank of the Republic of Kazakhstan)

An authorized person of a non-resident bank of the Republic of Kazakhstan or a person authorized by a non-resident bank of the Republic of Kazakhstan to sign documents shall confirm the reliability of the documents and information attached to the application, as well as the timely submission to the authorized body of information requested in connection with the consideration of this application.

I hereby consent to the use of information constituting a secret protected by law contained in information systems.

Annex (to indicate the list of documents and information to be sent, number of copies and sheets for each of them):

(signature of an authorized person of a non-resident bank of the Republic of Kazakhstan or a person, authorized by a non-resident bank of the Republic of Kazakhstan to sign documents, date)

Annex 2
to the Rules for issuing
permission for opening a branch
of a non-resident bank
of the Republic of Kazakhstan
Form

(name of non-resident bank of the Republic of Kazakhstan)

on _____ " ____ ", 20 ____

1. Location and actual address _____

—

—

(postal code, region, city, street, phone number)

2. Information on state registration (re-registration) _____

—

—

(document name, number and date of issue by whom issued)

3. Business identification number (if any) _____

—

—

4. License for the right to exercise _____

—

—

(document name, number and date of issue by whom issued)

5. Type of activity _____

—

—

(to indicate main activities)

6. Long-term credit rating of non-resident bank of the Republic of Kazakhstan on the international scale on the day of submission of the application _____

—

(long-term credit rating, by whom)

7. The non-resident bank of the Republic of Kazakhstan face major financial problems, including bankruptcy, conservation, reorganization within the last 3 (three) calendar years

—

—

—

(the reasons for their occurrence, the results of solving these problems)

8. The founder - an individual _____

—
(last name, first name, patronymic (if any))

1) date of birth _____

2) place of birth _____

3) citizenship _____

—
4) identity document data _____

—
5) individual identification number (if any) _____

—
6) place of residence and legal address _____

—
7) phone number (postal code, work and home) _____

—
8) education:

No	Name of educational institution	Date of admission and graduation	Specialty	Details of the diploma of education (date and number, if any)
1	2	3	4	5

9) information about the spouse, close relatives (parents, brother, sister, children) and relatives-in-law (parents, brother, sister, children of the spouse (spouse)):

No	Last name, first name, patronymic (if any)	Date of birth	Family relations	Place of work and position
1	2	3	4	5

10) information on labor activity.

This paragraph shall provide information on the work activities of the founder – an individual, as well as membership in the governing body, including from the date of

graduation from a higher educational institution, as well as the period during which the founder - an individual of labor activities were not carried out:

№	Period of work (date, month, year)	Place of work (indicating the country of registration of the organization, if the organization is a non-resident of the Republic of Kazakhstan)	Position	Disciplinary sanctions	Reasons for dismissal, dismissal from the position
1	2	3	4	5	6

11) information about legal entity of the Republic of Kazakhstan and non-resident legal entity of the Republic of Kazakhstan, in relation to which the founder - an individual shall be a major shareholder or have the right to an appropriate share in the property:

№	Name and location of legal person of the Republic of Kazakhstan and non-resident legal nonresident person of the Republic of Kazakhstan	Data on state registration (re-registration), statutory activities of a legal entity of the Republic of Kazakhstan and a non-resident legal entity of the Republic of Kazakhstan (to list main activities)	Share in the authorized capital or the ratio of the number of shares owned by the founder – the individual, to the total number of shares placed (less preferred and redeemed) shares of a legal entity of the Republic of Kazakhstan and a non-resident legal entity of the Republic of Kazakhstan (in percentage)
1	2	3	4

Note: column 4 shall indicate the share taking into account the share held in the trust of the founder - an individual, as well as the number of shares (equity of stake), as a result of which the founder - the individual jointly with other persons shall be a large participant;

12) information on whether the founder - individual was previously a leader, a member of a management body, a leader, a member of an executive body, the chief accountant of a financial organization, a large participant – legal entity, the head of a large participant (bank, insurance holding) - a non-resident legal entity of the Republic of Kazakhstan of a financial institution in a period of not more than 1 (one) one year prior to the adoption by the financial supervisory authority of the decision to classify the bank as insolvent banks, to preserve the financial institution or to forcibly repurchase its shares, to deprive the license of the financial institution resulting in its liquidation; and (or) termination of activities in the financial market, or entry into legal force of a court decision on the compulsory liquidation of a financial institution or its bankruptcy in accordance with the established legislation of the state, whose resident shall be the founder - an individual, in a manner.

(yes (no), to indicate the name of organization, position, period of work)

13) information on whether the founder – an individual was previously the head, a member of the governing body, the head, a member of the executive body, the chief

accountant of the financial organization, a major participant (major shareholder) - an individual, a leader, a member of a management body, a leader, a member of an executive body, the chief accountant of a major participant (major shareholder) - legal entity - issuer defaulting on payment of coupon interest on issued securities within 4 (four) or more consecutive periods, or the amount of the coupon indebtedness on the issued securities defaulted on it is four times and/or more than the coupon;

— (yes (no), to indicate the name of organization, position, period of work)

14) whether the founder, an individual, was brought to disciplinary responsibility for committing a corruption offense within 3 (three) years before the date of application to the authorized body of the non-resident bank of the Republic of Kazakhstan with a request for issuing permission to open a branch of the non-resident bank of the Republic of Kazakhstan

— (yes, no),

— brief description of the offence, details of the act of

— disciplinary sanction

— specifying the grounds for prosecution)

15) information on the existence of an outstanding or unsolved criminal record in accordance with the established procedure _____

_____ with document attachment,

(yes, no),

confirming that the founder – an individual shall have no outstanding or outstanding criminal record for crimes in the country of citizenship or in the country of permanent residence (for stateless persons), issued by the state body of the country of their citizenship (their countries of permanent residence - for stateless persons) or the country where the founder - an individual permanently resided for the last 15 (fifteen) years. The date of issuance of the specified document shall not exceed 3 (three) months prior to the date of application (except when the provided document indicates a different validity period). If the legislation of a country whose public authority is authorized to confirm the absence of an outstanding criminal record for crimes does not provide for the issuance of supporting

documents to persons in respect of whom such information shall be requested, then the corresponding confirmation shall be sent by letter of the state body of the country of citizenship (for foreigners) or the country of permanent residence (for stateless persons) to the authorized body.

I hereby confirm that this information has been verified by me and shall be reliable and complete.

I hereby consent to the collection and processing of personal data and to the use of information constituting a secret protected by law contained in information systems.

Last name, first name, patronymic (if any)

—
(to be filled by the founder – an individual in hand-written letters)

Signature _____

Date _____

9. The founder - a legal entity _____

(name)

1) location and actual address _____

—
(postal code, region, city, street, phone number)

2) information on state registration (re-registration) _____

—
(document name, number and date of issue by whom issued)

3) business identification number (if any) _____

4) type of activity _____

—
(to indicate main activities)

5) the head of the founder - legal entity _____

—
(last name, first name, patronymic (if any), date of birth)

6) whether during the last 3 (three) calendar years the founder - legal entity had large financial problems, including bankruptcy, conservation, reorganization _____

(the reasons for their occurrence, the results of solving these problems)

7) information on legal entity of the Republic of Kazakhstan and non-resident legal entity of the Republic of Kazakhstan, in relation to which the founder – an individual shall be a main shareholder or shall be entitled to an appropriate share of the property:

No	Name and location of legal entity of the Republic of Kazakhstan and non-resident legal entity of the Republic of Kazakhstan	Data on state registration (re-registration), statutory activities of a legal entity of the Republic of Kazakhstan and a non-resident legal entity of the Republic of Kazakhstan	Share in the authorized capital or the ratio of the number of shares owned by the founder – legal entity, to the total number of shares placed (less preferred and redeemed) shares of a legal entity of the Republic of Kazakhstan and a non-resident legal entity of the Republic of Kazakhstan (in percentage)
1	2	3	4

Note: column 4 shall indicate the share taking into account the share held in the trust of the founder - legal entity, as well as the number of shares (assets), as a result of which the founder - legal entity jointly with other persons shall be a large participant.

I hereby consent to the use of information constituting a secret protected by law contained in information systems.

_____ "___", 20___

Signature of the head of the founder - legal entity _____

10. First head of executive body (person performing the functions of an executive body alone) of non-resident bank of the Republic of Kazakhstan

(last name, first name, patronymic (if any))

1) date of birth _____

2) place of birth _____

3) citizenship _____

4) identity document details _____

5) individual identification number (if any) _____

6) place of residence and legal address _____

7) phone number (code of the city, work and home phone number) _____

8) education:

№	Name of educational institution	Date of admission and graduation	Specialty	Details of diploma of education (date and number, if any)
1	2	3	4	5

9) information about the spouse, close relatives (parents, brother, sister, children) and relatives-in-law (parents, brother, sister, children of the spouse (spouse)):

№	Surname, first name, patronymic (if any)	Date of birth	Related relations	Place of work and position
1	2	3	4	5

10) information on employment.

This paragraph shall contain information on all employment (also membership in the relevant management bodies), including from the moment of graduation from higher education, as well as the period during which employment was not carried out:

№	Period of work (date, month, year)	Place of work (indicating the country of registration of the organization, if the organization is a non-resident of the Republic of Kazakhstan)	Position	Disciplinary sanctions	Reasons for dismissal, dismissal from the position
1	2	3	4	5	6

11) information on participation in authorized capital or holding of shares of legal entities of the Republic of Kazakhstan and legal non-resident entities of the Republic of Kazakhstan:

№	Name and location of the legal entity of the Republic of Kazakhstan and non-resident legal entity of the Republic of Kazakhstan	Data on state registration (re-registration), statutory activities of the legal entity of the Republic of Kazakhstan and a non-resident legal entity of the Republic of Kazakhstan (to list main activities)	Share in the authorized capital or ratio of shares owned by the first head of the executive body (to the person acting solely as executive body), management body (if established) of the founder - the legal entity, to the total number of voting shares of the legal entity of the Republic of Kazakhstan and the non-resident legal entity of the Republic of Kazakhstan (percentage)
1	2	3	4

12) information on whether the first head of the executive body was (person performing the functions of an executive body alone) of a non-resident bank of the Republic of

Kazakhstan previously a head, a member of a management body, a head, a member of an executive body, the chief accountant of a financial organization, a major participant - an individual, the head of a major participant (bank, insurance holding) - a legal entity of a financial institution in a period of not more than 1 (one) one year prior to the adoption by the financial supervisory authority of the decision to classify the bank as insolvent banks, to preserve the financial institution or to forcibly repurchase its shares, to deprive the license of the financial institution resulting in its liquidation; and (or) termination of activity in the financial market, or entry into legal force of a court decision on compulsory liquidation of a financial institution or its bankruptcy in the state established by the legislation, the resident of which shall be the first head of the executive body (person performing the functions of an executive body alone) of a non-resident bank of the Republic of Kazakhstan,

— (yes (no), to specify the name of the organization, position, period of work)
13) information on whether the first head of the executive body was (person performing the functions of an executive body alone) of a non-resident bank of the Republic of Kazakhstan previously a head, a member of a management body, a head, a member of an executive body, the chief accountant of a financial organization, a major participant (major shareholder) - an individual, a leader, a member of a management body, a leader, a member of an executive body, the chief accountant of a major participant (major shareholder) - legal entity - issuer defaulting on payment of coupon interest on issued securities within 4 (four) or more consecutive periods, or the amount of the outstanding coupon interest on the issued securities defaulted shall be four times and/or more than the coupon consideration

— (yes (no), to specify the name of the organization, position, period of work)
14) whether the first head of the executive body (person performing the functions of an executive body alone) of the non-resident bank of the Republic of Kazakhstan was involved as a defendant in court proceedings _____

— (yes no),

— to specify the date, the name of the organization, of the defendant in the court

—

the proceedings, the matter under consideration and the decision of the court)

15) whether the first head of the executive body (person performing the functions of an executive body alone) of the non-resident bank of the Republic of Kazakhstan was brought to disciplinary responsibility for committing a corruption offense within 3 (three) years before the date of application to the authorized body of the non-resident bank of the Republic of Kazakhstan with an application for issuing permission to open a branch of the non-resident bank of the Republic of Kazakhstan _____

(yes no),

brief description of the offence details of the act of imposition

disciplinary action indicating the grounds for solicitation

to liability)

I hereby confirm that this information has been verified by me and shall be reliable and complete.

I hereby consent to the collection and processing of personal data and to the use of information constituting a secret protected by law contained in information systems.

Last name, first name, patronymic (if any)

(completed in by the first head of the executive body (person performing the functions of an executive body alone) of the non-resident bank of the Republic of Kazakhstan in hand printed letters)

Signature _____

Date _____

11. Head of the management body of the non-resident bank of the Republic of Kazakhstan

(last name, first name, patronymic (if any)

1) date of birth _____

2) place of birth _____

3) citizenship _____

4) identity document data _____

5) individual identification number (if any) _____

6) place of residence and legal address _____

7) phone number (code of the city, work and home phone number) _____

8) education:

№	Name of educational institution	Date of admission and graduation	Specialty	Details of diploma of education (date and number, if any)
1	2	3	4	5

9) information about the spouse, close relatives (parents, brother, sister, children) and relatives-in-laws (parents, brother, sister, children of the spouse (spouse):

№	Surname, first name, patronymic (if any)	Date of birth	Related relations	Place of work and position
1	2	3	4	5

10) information on employment.

This paragraph shall contain information on all labour activities (also membership in the relevant management bodies), including from the moment of graduation from higher educational institution, as well as the period during which employment was not carried out:

№	Period of work (date, month, year)	Place of work (indicating the country of registration of the organization, if the organization is a non-resident of the Republic of Kazakhstan)	Position	Disciplinary sanctions	Reasons for dismissal, dismissal from the position
1	2	3	4	5	6

11) information on participation in authorized capital or holding of shares of legal entities of the Republic of Kazakhstan and legal non-resident entities of the Republic of Kazakhstan:

№	Name and location of the legal entity of the Republic of Kazakhstan and non-resident legal entity of the Republic of Kazakhstan	Data on state registration (re-registration), statutory activities of the legal entity of the Republic of Kazakhstan and a non-resident legal entity of the Republic of Kazakhstan (to list main activities)	Share in the authorized capital or ratio of shares owned by the first head of the executive body (to the person acting solely as executive body), management body (if established) of the founder - the legal entity, to the total number of voting shares of the legal entity of the Republic of Kazakhstan and the non-resident legal entity of the Republic of Kazakhstan (percentage)
1	2	3	4

12) information on whether the head of the management body of the non-resident bank of the Republic of Kazakhstan was previously the head, the member of the management body, the head, the member of the executive body, 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 a financial institution in a period of not more than 1 (one) one year prior to the adoption by the financial supervisory authority of the decision to classify the bank as insolvent banks, to preserve the financial institution or to forcibly repurchase its shares, to deprive the license of the financial institution resulting in its liquidation; and (or) termination of activities in the financial market, or entry into force of a court decision on the compulsory liquidation of a financial institution or its bankruptcy in accordance with the legislation of the state, the resident of which shall be the first head of the governing body of a non-resident bank of the Republic of Kazakhstan,

—
(yes (no), to specify the name of the organization, position, period of work)

13) information on whether the head of the management body of the non-resident bank of the Republic of Kazakhstan was previously the head, a member of the management body, the head, a member of the executive body, the chief accountant of the financial organization, a major participant (major shareholder) - an individual, a leader, a member of a management body, a leader, a member of an executive body, the chief accountant of a major participant (major shareholder) - legal entity - issuer defaulting on payment of coupon interest on issued securities within 4 (four) or more consecutive periods or the amount of outstanding coupon interest on issued securities that were defaulted shall be four times and/or more than the coupon consideration

—
(yes (no), to specify the name of the organization, position, period of work)

14) whether the head of the management body of the non-resident bank of the Republic of Kazakhstan has been involved as a defendant in court proceedings

—
(yes no),

—
to specify the date, the name of the organization, the defendant in the court

—
the proceedings, the matter under consideration and the decision of the court)

15) whether the head of the management body of the non-resident bank of the Republic of Kazakhstan was brought to disciplinary responsibility for committing a corruption offense within 3 (three) years before the date of appeal to the authorized body of the non-resident bank of the Republic of Kazakhstan with an application for issuing permission to open a branch of the non-resident bank of the Republic of Kazakhstan

(yes no),

brief description of the offence details of the act of imposition

disciplinary action indicating the grounds for solicitation

to liability)

I hereby confirm that this information has been verified by me and shall be reliable and complete.

I hereby consent to the collection and processing of personal data and to the use of information constituting a secret protected by law contained in information systems.

Last name, first name, patronymic (if any)

(completed by the head of governing body of non-resident bank of the Republic of Kazakhstan by hand-written letters)

Signature _____

Date _____

Annex 3
to Rules for issuing permission for
opening a branch of a
non-resident bank of the
Republic of Kazakhstan
Form

(printed on the form of the authorized body for regulation, control and supervision of the financial market and financial organizations with the image state coat of arms of the Republic of Kazakhstan)

Permission to open a branch of a non-resident bank of the Republic of Kazakhstan

№ _____ dated

This permission has been issued for opening a branch of a non-resident bank of the Republic of Kazakhstan

_____ (name of non-resident bank of the Republic of Kazakhstan)

Permission to open a branch of a non-resident bank of the Republic of Kazakhstan shall be valid until the authorized body for regulation, control and supervision of the financial market and financial organizations decision to issue a license for banking transactions to a branch of a non-resident bank of the Republic of Kazakhstan.

Chairman

(Vice-Chairman) _____

(signature) (last name, initials)

Annex 2
to the resolution

Rules and conditions of activity of a branch of a non-resident bank of the Republic of Kazakhstan

Chapter 1. General provisions

1. These Rules and conditions for activity by a branch of a non-resident bank of the Republic of Kazakhstan (hereinafter referred to as the Rules) shall be developed in accordance with the Law of the Republic of Kazakhstan dated August 31, 1995 "On Banks and Banking Activities in the Republic of Kazakhstan" (hereinafter referred to as the Law on Banks) and shall determine the procedure and conditions for activity by a branch of a non-resident bank of the Republic of Kazakhstan.

2. The Rules also shall apply to branches of Islamic non-resident banks of the Republic of Kazakhstan.

Chapter 2. Procedure and conditions for activity by a branch of a non-resident bank of the Republic of Kazakhstan

3. A branch of a non-resident bank of the Republic of Kazakhstan, subject to a license of an authorized body, shall carry out in the territory of the Republic of Kazakhstan:

1) banking and other transactions specified in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (12), (13), (14), (15), (16) of paragraph 2, (1), (2), (3), (4), (6), (7), (8) and (9) of Article 30, paragraph 11 of the Law on Banks of the Republic of Kazakhstan;

2) types of professional activity on the securities market specified in paragraphs 1) and 2) of Article 30, paragraph 12 of the Law on Banks of the Republic of Kazakhstan.

A branch of an Islamic non-resident bank of the Republic of Kazakhstan, subject to a license of an authorized body, shall carry out on the territory of the Republic of Kazakhstan:

1) banking transactions specified in paragraphs 1), 2), 3), 4), 5) and 6) of Article 52-5 (1) of the Law on Banks of the Republic of Kazakhstan;

2) if this shall be provided for by the provision on the branch of certain types of banking and other transactions provided for in the Article 30, part one of the paragraph 2-1 of the Law on Banks of the Republic of Kazakhstan (except for transactions specified in Article 30 subparagraphs 6) and 7), paragraph 11 of the Law on Banks of the Republic of Kazakhstan), subject to the requirements specified in Article 52-1 of the Law on Banks of the Republic of Kazakhstan.

4. The branch of the non-resident bank of the Republic of Kazakhstan in activities shall be guided by paragraph 4 of Article 75 of the Law on Banks of the Republic of Kazakhstan.

5. A branch of a non-resident bank of the Republic of Kazakhstan shall carry out banking activities only if there are rules that determine the general conditions for conducting transactions and internal rules.

6. The rules on the general conditions for conducting transactions shall be approved by the relevant management body of the non-resident bank of the Republic of Kazakhstan.

7. The rules on the general conditions for conducting transactions of a branch of an Islamic non-resident bank of the Republic of Kazakhstan shall be approved by the relevant governing body of an Islamic non-resident bank of the Republic of Kazakhstan, taking into account the requirement provided for in Article 52-2, paragraph 3 of the Law on Banks of the Republic of Kazakhstan.

8. Deprivation or revocation of the license and/or its annex for all or individual banking transactions shall be carried out on any of the following grounds:

1) grounds provided for in paragraphs 1), (4), (5), (6), (7), (8) of Article 48, paragraph 1) of the Law on Banks of the Republic of Kazakhstan;

2) suspension or deprivation of the license of the non-resident bank of the Republic of Kazakhstan to conduct all or certain similar banking transactions by a financial supervision body or a court of the state, the resident of which shall be the non-resident bank of the Republic of Kazakhstan;

3) adoption by the court of the state, whose resident shall be the non-resident bank of the Republic of Kazakhstan, of a decision on the forced liquidation (termination of activity) of the non-resident bank of the Republic of Kazakhstan.