



On approval of the Rules for presentation and accounting of obligations assumed by the state security body to eliminate the consequences of operations in the field of hydrocarbons and/or uranium mining

Unofficial translation

Order of the acting Minister of Energy of the Republic of Kazakhstan dated July 22, 2021 No. 241. Registered with the Ministry of Justice of the Republic of Kazakhstan on July 27, 2021 No. 23714

Unofficial translation

In accordance with paragraph 9 of Article 55 of the Code of the Republic of Kazakhstan "On subsoil and subsoil use," **I hereby ORDER:**

1. To approve the attached Rules for presentation and accounting of obligations assumed by the state security body to eliminate the consequences of operations in the field of hydrocarbons and/or uranium mining.

2. The Department for subsoil use of the Ministry of Energy of the Republic of Kazakhstan, in accordance with the procedure established by legislation shall:

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

2) place this joint order on the Internet resource of the Ministry of Energy of the Republic of Kazakhstan after its official publication;

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

3. The execution of this order shall be entrusted to the supervising Vice-Minister of Energy of the Republic of Kazakhstan.

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

Acting Minister

Zh. Karagayev

Approved
by order of the Acting Minister
dated July 22, 2021 № 241

Rules for presentation and accounting of obligations assumed by the state security body to eliminate the consequences of operations in the field of hydrocarbons and/or uranium mining

Chapter 1. General provisions

1. These Rules for presentation and accounting of obligations assumed by the state security body to eliminate the consequences of operations in the field of hydrocarbons and/or uranium mining (hereinafter referred to as the Rules) have been developed in accordance with Article 55, paragraph of the Code of the Republic of Kazakhstan "On subsoil and subsoil use" (hereinafter referred to as the Code) and shall determine the procedure for submission and accounting of the obligations assumed by the state security body to eliminate the consequences of subsoil use operations in the field of hydrocarbons and/or uranium mining.

2. The subsoil user shall perform the following obligations:

1) by pledging a bank deposit under:

agreements for exploration and/or production or production of hydrocarbons concluded before the introduction of this Code;

agreements for exploration and production of hydrocarbons, with the exception of subsoil users conducting exploration of hydrocarbons at sea in accordance with paragraph 6 of Article 126 of the Code;

agreements for hydrocarbon production;

uranium mining agreements.

2) warranty under:

agreements for exploration and/or production or production of hydrocarbons concluded before the introduction of this Code;

agreements of fifty or more percent of voting shares (interests in the authorized capital) of which directly or indirectly belong to the national managing holding, the national managing holding, the national hydrocarbon company, the subsidiary of the national hydrocarbon company and (or) partners of the national hydrocarbon company or their subsidiaries that own a stake (share in the authorized capital) of subsoil users.

At the same time, ensuring the fulfillment of obligations to eliminate the consequences of subsoil use operations in the field of hydrocarbons and (or) uranium mining (hereinafter referred to as security) shall be submitted according to the standard forms approved in accordance with Article 56, paragraph 4 and Article 57, paragraph 7 of the Code.

3. Security shall be provided separately for each subsoil block;

4. The support shall be provided prior to the commencement of subsoil use operations in the field of hydrocarbons and/or uranium production.

5. In accordance with Article 55, paragraph 7 of the Code, if for reasons beyond the control of the subsoil user the security provided to them shall have ceased to comply with the requirements of the Code or has ceased, the subsoil user shall replace such security within sixty (60) calendar days in accordance with the procedure provided for by these Rules.

Chapter 2. Procedure for presentation on submission of security fulfillment of obligations to eliminate the consequences of operations in the field of hydrocarbons and/or uranium mining

6. The security shall be submitted by the subsoil user to the competent authority in the field of hydrocarbons and/or uranium mining (hereinafter referred to as the competent authority):

within two (2) working days after registration of the bank deposit pledge agreement, in accordance with the Instruction on registration of movable property pledge not subject to mandatory state registration, approved by order of the Minister of Justice of the Republic of Kazakhstan dated February 22, 1999 No. 14 (registered in the Register of State Registration of Regulatory Legal Acts No. 913);

within two (2) working days from the date of issuance of the guarantee.

In case of common ownership of the right to use of subsoil resources by two or more persons, the security shall be represented by any of the common owners of the right to use of subsoil resources.

7. The security shall be submitted to the competent authority jointly with a cover letter on acceptance of the security, with an Annex 1 to the Rules, the information specified in Annex 1 to these Rules in Kazakh and Russian languages in paper and copies thereof in electronic media.

Documents specified in the first part of this paragraph, drawn up in a foreign language, shall be submitted with translation into Kazakh and Russian, the fidelity of which shall be notarized in accordance with Article 80 of the Law of the Republic of Kazakhstan "On notaries."

8. The competent authority shall review the submitted security for compliance with the requirements of the Code and these Rules within 7 (seven) working days from the date of their receipt and in the absence of grounds for refusing to accept the security provided for in paragraph 10 of these Rules, shall enter information on the submitted security into the Register of security for the fulfillment of obligations to eliminate the consequences of subsoil use operations in the field of hydrocarbons and (or) uranium mining (hereinafter referred to as the Register), which shall be maintained in accordance with Chapter 4 of these Rules.

9. The competent authority shall notify the subsoil user of the acceptance of the security no later than five (5) working days from the date of entry of the information on the security into the Register. The Security acceptance notice shall contain the accounting number under which the security shall be entered in the Register.

10. The competent authority shall refuse to accept the security if:

1) the provision is improper:

if the security does not comply with the standard forms approved in accordance with Article 56, paragraph 4 and Article 57, paragraph 7 of the Code;

if the security does not comply with the requirements of Articles 55, 56 and 57 of the Code and these Rules;

if the security is not signed by authorized persons and/or does not contain a seal (if the seal is mandatory in accordance with the Business Code of the Republic of Kazakhstan or the country of registration).

2) the documents specified in paragraph 7 of these Rules shall not be presented.

11. The competent authority shall notify the subsoil user of the refusal to accept the security no later than five (5) working days from the date of receipt of the cover letter and the documents specified in paragraph 7 of these Rules.

12. In cases stipulated by paragraph 10 of these Rules, the competent authority shall send a reasoned response to the subsoil user to refuse to accept the security in writing.

13. In case of refusal to accept the security, the documents specified in paragraph 7 of these Rules shall be submitted by the subsoil user again after elimination of the grounds specified in paragraph 10 of these Rules.

14. The competent authority that has accepted the security shall provide open access to the security information including: the type of security, the amount of security, its validity period and the name of the organization that issued the security.

Chapter 3. Procedure for submission of modified security and introduction of amendments to the Register

15. In the event of introduction of amendments and/or additions to the security previously adopted by the competent authority (hereinafter referred to as the amended security), the subsoil user shall send to the competent authority, jointly with the modified security, a cover letter on its acceptance, with the information attached to the Rules, specified in Annex 2 to these Rules in Kazakh and Russian in hard copies and copies thereof in electronic media.

Documents specified in the first part of this paragraph, drawn up in a foreign language, shall be submitted with translation into Kazakh and Russian, the fidelity of which shall be notarized in accordance with Article 80 of the Law of the Republic of Kazakhstan "On Notaries."

16. The competent authority shall consider the documents specified in paragraph 21 of these Rules for compliance with the requirements of the Code and these Rules within 7 (seven) working days from the date of their receipt.

17. The competent authority shall refuse to accept the amended security if:

1) the amended security is improper:

if the security does not comply with the standard forms approved in accordance with Article 56, paragraph 4 and Article 57, paragraph 7 of the Code;

if the security does not comply with the requirements of Articles 55, 56 and 57 of the Code and these Rules;

if the amended security is not signed by authorized persons and/or does not contain a seal (if the seal is mandatory in accordance with the Business Code of the Republic of Kazakhstan or the country of registration);

2) the documents specified in paragraph 21 of these Rules are not presented.

18. In the absence of grounds for refusal to accept the amended security provided for in paragraph 19 of these Rules, the competent authority shall enter the information on the submitted amended security into the Register.

19. The competent authority shall notify the applicant of the acceptance of the amended security no later than five (5) business days from the date of entry of the information on the amended security into the Register.

Chapter 4. Procedure for security records

20. Security records shall be maintained by the competent authority that accepts the security.

21. Security records shall be performed by maintaining the Register in the form set out in Annex 3 hereto.

22. The register of security shall be kept in electronic form and/or on paper.

In the case of maintaining a register of hard copy security, it must be numbered, bound and sealed and certified by signatures:

1) Head of the structural subdivision of the competent authority responsible for receiving security ;

2) the responsible person of the structural subdivision, determined by the internal order of the competent authority.

23. A separate section shall be established in the Register for each contract for subsoil use in the field of hydrocarbons and/or uranium mining.

In case of maintaining the Register of security in hard copy, the responsible person of the competent authority shall sign it at the end of each line.

24. An initial entry in the Register shall be made upon acceptance for the first time by the competent authority under the relevant contract for the use of subsoil resources in the field of hydrocarbons and (or) uranium production no later than the working day following the day of acceptance of the security in accordance with these Rules.

25. No later than the working day following the date of acceptance of the security (amended security) in accordance with Chapters 2 and 3 of these Rules, entries about them shall be made in the relevant columns of the Register.

Upon termination of the obligation to eliminate the consequences of subsoil use operations, the competent authority shall make a corresponding entry in the Register.

26. In the event of termination of the obligation to eliminate the consequences of subsoil use operations as a result of enforcement of security, the competent authority shall make a record of enforcement of security in the Register.

27. The competent authority shall ensure permanent storage of the original security until termination of the obligation to eliminate the consequences of subsoil use operations, after which it shall be archived in accordance with the procedure established by the Rules for

documentation, document management and use of electronic document management systems in state and non-state organizations approved by resolution of the Government of the Republic of Kazakhstan dated October 31, 2018 No. 703

28. A hard copy of the security shall be kept by the competent authority for 3 (three) years from the date of termination of the obligation to eliminate the consequences of subsoil use in the field of hydrocarbons and/or uranium mining.

29. At the written request of the subsoil user (the person whose right to use the subsoil has been terminated) and (or) the organization that issued the security, the competent authority shall, within ten (10) working days, provide a written confirmation of the record in the Register of information on the termination of the obligation to eliminate the consequences of subsoil use in the field of hydrocarbons and (or) uranium mining.

Annex 1
to Rules for presentation
and accounting of obligations
assumed by the state security body
to eliminate the consequences of
operations on the field of
hydrocarbons and/or uranium
mining

Information attached to the cover letter on the acceptance of security for the fulfillment of obligations to eliminate the consequences of subsoil use in the field of hydrocarbons and/or uranium mining

Information on the subsoil user		
For individuals		
1.	Surname, name, patronymic (if any)	
2.	Individual identification number	
3.	Place of residence	
4.	Information on documents certifying the identity of the subsoil user	
For legal entity		
5.	Name of legal entity	
6.	Business identification number	
7.	Place of residence	
8.	Information on state registration as a legal entity	
Information on rights of subsoil use		
9.	Type of subsoil use license (s) or full name of the subsoil use contract	
10.	number of the contract for subsoil use	
11.	Date of issue of subsoil use license or conclusion of subsoil use contract	

12.	Number of blocks constituting the exploration area	
Information on the total amount of security for the fulfillment of obligations to eliminate the consequences of subsoil use operations		
13.	Total amount of security	
Information on the submitted security for the fulfillment of obligations to eliminate the consequences of subsoil use operations		
14.	Ensuring the fulfillment of obligations to eliminate the consequences of subsoil use shall be provided by: one type of security; in combination of security types (specify types)	
15.	Type of security	
16.	Security number and date	
17.	Name of the organization that issued the security, location	
18.	Information about the guarantor	
19.	security validity	
20.	Amount covered by security	
21.	Information about the document from which the security amount have been calculated	

List of attached documents:

_____ ;
 _____ ;
 _____ ;
 _____ ;

(name of documents and number of pages)

 (signature of the subsoil user or his authorized representative (in case of submission of the application by the representative, a duly executed document certifying the authority is attached))

Subsoil user or its authorized representative:

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

Date of completion: _____ " __ ", __ 20

Annex 2
 to Rules for presentation
 and accounting of obligations
 assumed by the state security body
 to eliminate the consequences of

Information on introduction of amendments and additions to the adopted security for the fulfillment of obligations to eliminate the consequences of subsoil use in the field of hydrocarbons and/or uranium mining

Information on the subsoil user		
For individuals		
1.	Surname, name and patronymic (if any)	
2.	Individual identification number	
3.	Place of residence	
4.	Information about the applicant's identity documents	
For legal entities		
5.	Name of the legal entity	
6.	Business identification number	
7.	Place of residence	
8.	Information on state registration as a legal entity	
Information on previously submitted security		
9.	Security accounting number	
10.	Grounds or reasons for introduction of amendments and additions	

List of attached documents:

_____ ;
_____ ;
_____ ;
_____ ;

(name of documents and number of pages)

(signature of the subsoil user or his authorized representative (in case of submission of the application by the representative, a duly executed document certifying the authority is attached))

Subsoil user: _____

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

Date of completion: _____ " __ ", __ 20

to eliminate the consequences of
operations on the field of
hydrocarbons and/or uranium
mining
Form

Register of guarantees for fulfillment of obligations to eliminate the consequences of subsoil use operations in the field of hydrocarbons and/or uranium mining

№ r/n	Account number	Record rate	Last name, first name and patronymic (if any) or name of the legal entity that provided the security	Type of subsoil use license (s) or full name of the subsoil use contract	License (or subsoil use contract number	Date of issue of subsoil use license or conclusion of subsoil use contract	License (or subsoil use contract validity period	Status of license or subsoil use contract (valid, revoked, contract expired, subsoil user refused the contract)	Boundaries of the subsoil area (geographical coordinates of angular points)	Number and code of block (s) constituting (components of) the exploration area or boundaries of the territory of the subsoil block (s) (points of geographical coordinates) (for subsoil blocks formed by blocks)	Expected date (term) of completion of liquidation upon expiration of subsoil use license or subsoil use contract
1	2	3	4	5	6	7	8	9	10	11	12

Type of the security (s)	Name of the organization (s) that issued (issued)	Number (and date) of the security	Validity period of the security	Total security amount	Amount covered by security	Note on recovery of security amount	Security amount collection date	Note of termination of the obligation to eliminate the consequences of subsoil	Date of termination of the obligation to eliminate the consequences of subsoil	Surname, first name, patronymic (if
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	t h e support (s)							u s e operation s	u s e operation s	any) of t h e official
13	14	15	16	17	18	19	20	21	22	23

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