

On approval of the Rules for organizing and holding tenders (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property

Unofficial translation

Order No. 297 of the Minister of Agriculture of October 15, 2021. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 19, 2021 under No. 24803.

Unofficial translation

Footnote. Title - in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.06.2022 № 204 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Under sub-paragraph 16-6) of paragraph 1 of Article 14 and paragraph 6 of Article 48 of the Land Code of the Republic of Kazakhstan **I HEREBY ORDER:**

1. To approve the attached Rules for organizing and holding tenders (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property.

Footnote. Paragraph 1 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.06.2022 № 204 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

2. That certain orders of the Minister of Agriculture of the Republic of Kazakhstan and the Minister of National Economy of the Republic of Kazakhstan shall be deemed to have lost force as per the list enclosed hereto.

3. That, as provided by law, the Land Resources Management Committee of the Ministry of Agriculture of the Republic of Kazakhstan shall:

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

2) publish this order on the website of the Ministry of Agriculture of the Republic of Kazakhstan after its official publication.

4. That the Supervising Vice-Minister of Agriculture of the Republic of Kazakhstan shall be responsible for the execution hereof.

5. That this order shall be effective ten calendar days after the date of its first official publication.

*Minister of Agriculture
of the Republic of Kazakhstan*

Y. Karashukeyev

“APPROVED BY”

Ministry of Finance
of the Republic of Kazakhstan
“APPROVED BY”
Ministry of National Economy
of the Republic of Kazakhstan
“APPROVED BY”
Ministry of Digital Development,
Innovations and Aerospace
Industry of the Republic of Kazakhstan

Approved
by Order of the Minister of
Agriculture of the
Republic of Kazakhstan № 297
of October 15, 2021

Rules for organizing and holding tenders (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property

Footnote. Rules - in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 23.06.2022 № 204 (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for organizing and holding auction (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 16-6) of paragraph 1 of Article 14 and paragraph 6 of Article 48 of the Land Code of the Republic of Kazakhstan (hereinafter referred to as the Land Code) and shall determine the procedure for organizing and conducting tenders (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property (hereinafter referred to as the web portal).

2. The following basic concepts shall be used in these Rules:

1) land plot - a part of land allocated within closed boundaries, assigned in accordance with the procedure established by the Land Code to the subjects of land relations;

2) public cadastral map (hereinafter referred to as the PCM) - a digital map that shall contain information (information) from land, legal and urban development cadastres of the Republic of Kazakhstan, as well as other information of state bodies and (or) organizations in accordance with the legislation of the Republic of Kazakhstan;

3) information system of the unified state cadastre of real estate (hereinafter referred to as IS USCE) - an information system containing information of land and legal cadastres, the

procedure for maintaining which shall be determined by the Land Code and the Law of the Republic of Kazakhstan "On state registration of rights to real estate;

4) cadastral (estimated) value - the estimated value of the land plot used when the state sells the land plot or the right to lease it, determined on the basis of the base rates of payment for land plots, periodically updated in accordance with official statistical information on the total inflation rate and correction factors to them;

5) electronic copy

6) organizer - a unified operator in the field of accounting for state property;

7) e-government web portal (hereinafter referred to as the portal) - an information system that shall be a unified window of access to all consolidated government information, including the regulatory legal framework, and to public services, services for issuing technical conditions for connecting natural monopolies to networks and services of quasi-public sector entities provided in electronic form;

8) the user's office on the e-government web portal (hereinafter referred to as the personal account) - a component of the e-government web portal designed for official information interaction of individuals and legal entities with government agencies on the provision of services in electronic form, issues of contacting the subjects considering the appeals of these individuals, as well as the use of personal data.

Footnote. Paragraph 2 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 2. Procedure for organizing tenders (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property

3. The land plot shall be put up for auction (auctions) in two ways:

1) formation by the local executive body of the region, city of republican significance, capital, district, city of regional significance, akim of the city of regional significance, settlement, village, rural district (hereinafter referred to as the seller) of a list of land plots put up for auction (auctions) with their subsequent placement on the PCM;

2) submission of proposals for placing a free land plot for auction (auctions) in the form in accordance with Annex 1 to these Rules (hereinafter referred to as the proposal) by independently forming a scheme for allocating the requested land plot to the PCM.

Footnote. Paragraph 3 - – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

4. An individual interested in obtaining a land plot shall submit a proposal within the boundaries of a city of republican significance, the capital, cities of regional and district significance in the following order:

1) go through the authorization process on the portal, after authorization on the portal, the transition to the IS USCE shall be carried out;

2) draws the requested land plot and forms the scheme of the requested land plot at the PCM.

If a land plot is requested within the boundaries of a city of republican significance, the capital, cities of regional and district significance for construction purposes, fill out an electronic form of a questionnaire for connecting to utility networks;

3) forms a proposal on the portal by signing an electronic digital signature (hereinafter referred to as the EDS) of an individual interested in obtaining a land plot;

4) the signed offer shall be sent to the seller through the portal;

5) a person interested in obtaining a land plot shall be sent a notification of the status of acceptance of the proposal to his personal account.

Footnote. Paragraph 4 - as amended by the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

5. Excluded by the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

6. Excluded by the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

7. Individuals interested in obtaining a land plot shall have the opportunity to view information about land plots at the PCM at any stage of auction (auctions) and shall submit an offer before making a decision to put the land plot up for auction (auctions).

Footnote. Paragraph 7 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

8. When the borders of a land plot are entered on the PCM, it shall be assigned a conditional identification number.

If the requested land plot is not put up for auction (auctions) or there is no demand for it, the status of the requested land plot on the PCM is changed, and a note is made that the land plot is unclaimed or the land plot is not put up for auction (auction).

Footnote. Paragraph 8 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

9. Within one (1) working day, the seller shall send the received proposal to the structural subdivision of the relevant local executive body performing functions in the field of architecture and urban planning at the location of the land plot (hereinafter referred to as the structural subdivision).

The structural subdivision shall consider the received proposal and within 2 (two) working days determines the possibility (impossibility) of providing the land plot for the stated intended purpose in accordance with the approved urban planning document, and if it determines the possibility of providing the requested land plot within 5 (five) working days, forms a land plot scheme, indicating existing utilities.

Structural subdivision within 1 (one) working day from the moment of preparation of the land plot scheme, with the attachment of a questionnaire for obtaining technical specifications, send them simultaneously for approval to state bodies and other organizations, the list of which was approved by the local executive body of the region, the city of republican significance, capital, city of regional significance and akim of the city of regional significance in accordance with subparagraph 1-3) of paragraph 2 of Article 16, subparagraph 1-2) of Article 18, second part of Article 19 of the Land Code.

Within five (5) working days from the date of receipt of the land plot scheme, the approving state bodies and other organizations shall submit their opinions in electronic form.

Subjects of natural monopolies additionally shall submit technical specifications for connection to utility networks within:

- five (5) working days for technically uncomplicated facilities;

- ten (10) working days for technically complex facilities;

- 2 (two) working days for a reasoned refusal to issue technical specifications with a preliminary diagram of the routes of external engineering networks.

Approval of the land plot scheme shall be carried out without any notes or reservations.

Within one (1) working day from the date of receipt of a positive conclusion from the approving state bodies and organizations, the structural subdivision shall send the land plot allocation scheme:

- to familiarize an individual interested in obtaining a land plot in his personal account on the portal;

- to the authorized body for land relations of the region, cities of republican significance, the capital, districts, cities of regional significance (hereinafter referred to as the authorized body) for further preparation of the land plot for auction (auctions).

Footnote. Paragraph 9 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

10. Prior to placing a land plot for bidding (auction) on the portal, an employee of the authorized body for each object of action (auctions) shall ensure:

- 1) placement of information on free land plots;

- 2) making electronic copies of the following documents:

 - act on determination of cadastral (estimated) value of the object of auction (auctions);

 - draft contract of purchase and sale of a land plot or the right to lease a land plot.

Placement of information on free land plots shall be carried out in the following order:

1) an employee of the authorized body shall enter information on free land plots into regional geographic information systems (hereinafter referred to as the RGIS), and the RGIS shall transfer information on free land plots to the IS USCE;

2) IS USCE shall assign a conditional identification number to the land plot and send it to RGIS. The conditional identification number of the land plot shall be used to create tenders (auction) on the portal;

3) IS USCE shall redirect the information received from RGIS on free land plots to the PCM.

Footnote. Paragraph 10 - in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

10-1. Create an auction on the web portal:

1) the seller's employee shall enter the conditional identification number of the land plot obtained from the IS USCE, photographs of the land plot and electronic copies of the documents specified in subparagraph 2) of part one of paragraph 10 of these Rules;

2) after the creation of the object of auction (auction), the web portal automatically shall send to the IS USCE the date, time of the bargaining (auction) and the status "Acceptance of bids for auction (auction)";

3) IS USCE shall save the received information and shall redirect it to PCM;

4) The status "Acceptance of auction (auction)" and information on the date and time of the auction (auction) shall be displayed on the PCM on the land plot boundary diagram.

Footnote. The Rules as added by the paragraph 10-1 in accordance with the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

11. The seller shall enter into an agreement for the organization and conduct of electronic auction (auctions) for the sale of objects of auction (auctions) with the organizer in accordance with the legislation of the Republic of Kazakhstan on public procurement.

12. To organize auction (auction), the seller on the web portal shall place an announcement of the auction (auction) at least fifteen (15) working days before the auction (auction).

13. The auction announcement shall contain the following information:

1) method of auction (auction);

2) the initial and minimum price of the object of auction (auction);

3) location of the land plot, its area and purpose;

4) type of alienable right (ownership right or right to lease a land plot);

5) date and time of auction (auction) (established not earlier than 15 (fifteen) working days and not more than 90 (ninety) working days from the date of posting on the web portal;

6) a list of all encumbrances (restrictions) on the land plot;

7) the amount of land tax or rent;

8) list of documents submitted by the participant attached to the application for participation in auction (auction) for the sale of a land plot (land lease rights) in the form according to Annex 2 to these Rules (hereinafter referred to as the application);

9) the amount and procedure for making a guarantee fee, details of the organizer;

10) the procedure for payment of the sale price of the object of auction (auction) and lease ;

11) deadlines for accepting applications.

14. To participate in the auction (auction), the participant shall submit an application on the portal and sign the EDS.

Footnote. Paragraph 14 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

15. Excluded by the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

16. Registration of bidders auction (auction) shall be made from the date of placement of the ad and ends five minutes before the start of the auction (auction).

17. Bidder's auction (auction) shall contain bidder's consent to terms and conditions of auction (auction).

18. The guarantee fee for participation in auction (auction) shall be fifteen (15)% of the minimum price of the object of auction (auction), but not less than fifty (50) monthly calculation indicators (hereinafter referred to as the MCI) and not more than thirty (30) thousand the MCI.

19. The guarantee fee shall be accepted by the organizer of the auction (auction) and shall be paid to the details of the organizer specified in the announcement of the auction (auction).

20. If the data specified in the application is not received automatically from state databases and information systems, the participant shall enter the data independently, and also shall attach supporting documents to the application.

21. Based on the results of the automatic verification, the web portal shall send an electronic notification to the participant's email address indicated on the web portal about the acceptance of the application or the reasons for the refusal to accept the application.

22. Grounds for refusal to accept the application shall be:

1) failure by the participant to comply with the conditions specified in paragraph 14 of these Rules, as well as non-receipt of the guarantee contribution specified in the announcement of the auction (auction) to the organizer's account five minutes before the start of the auction (auction);

2) if the participant does not comply with the third paragraph of Paragraph 2 of Article 20 of the Land Code;

3) if the participant is in accordance with Article 96-1 of the Land Code in the register of individuals from whom land plots have been forcibly seized.

23. The portal shall assign an auction number to the participant whose application shall be registered and accepted.

Information about the current stage of auction (auctions) for land plots from the portal shall be transferred to the PCM.

Footnote. Paragraph 23 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

24. The guarantee contribution of the buyer of the auction (auction) shall be made to ensure the conclusion of a contract for the sale and purchase of a land plot or the right to lease a land plot on the terms declared when participating in the auction (auction), in accordance with the protocol on the results of the auction (auction).

25. The guarantee fee shall not be refunded in accordance with paragraph 10 of Article 916 of the Civil Code of the Republic of Kazakhstan.

In the event of an event provided for in first part of this paragraph, the warranty fee shall be transferred by the organizer to the income of the corresponding budget.

Chapter 3. Procedure for auction (auctions) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property

26. Auction (auctions) shall be held on the terms of an increase or decrease in price.

27. The object of auction (auction) for the first and second auction (auction) shall be set using the price increase condition, the conditions of auction (auction) at the third and subsequent auction (auctions) shall be determined by the seller.

Footnote. Paragraph 27 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

28. The starting price shall be determined depending on the conditions of the auction:

1) when auction (auctions) to increase the price, the initial price shall be equal to the minimum price;

2) when auction (auctions) to lower the price, the initial price exceeds the minimum price by 100 (one hundred) times.

29. The initial price for the sale of a land plot to private ownership shall be determined not lower than the cadastral (estimated) value of the land plot, calculated in accordance with Article 10 of the Land Code.

The initial price for the sale of the right to lease a land plot shall be determined differentially as a percentage of the cadastral (estimated) value of the land plot for each year of lease of the land plot, depending on the lease term:

1) up to 10 years inclusive - 2%;

- 2) from 11 to 30 years - 20% plus 1.5% for each year over 10 years;
- 3) from 31 to 49 years old - 50% plus 1% for each year over 30 years.

30. The minimum price of the object at auction (auctions) shall be set not lower than the cadastral (estimated) value when selling the land plot into private ownership, and when selling the lease right - not lower than the amount established by part two of paragraph 29 of these Rules.

31. Auction (auctions) shall be held in the auction hall and shall take place from Monday to Friday, with the exception of holidays and weekends provided for by the labor legislation of the Republic of Kazakhstan. Auction (auctions) shall be held from 10:00 to 17:00 Astana time, while auction (auctions) shall begin no later than 15:00 Astana time.

Footnote. Paragraph 31 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

32. The participant admitted to the auction shall have access to the auction hall by the auction number assigned by the web portal.

Auction (auctions) to increase the price within one (1) hour before the start of the auction enter the auction hall using the EDS and the auction number, shall indicate their price offer for the object of the auction, which shall not be lower than the initial price.

33. Auction (auctions) to lower the price within one (1) hour before the start of the auction (auctions) shall enter the auction hall using the EDS and auction number.

34. Auction (auction) shall begin at the time specified in the announcement of the auction (auction).

35. If at the time of completion of auction (auctions) for price increase at 17:00 the winner of the auction (auctions) is not determined, then the winner shall be the participant who last confirmed his desire to purchase the object of auction (auctions), and the auction (auctions) for this object of bidding (auction) is recognized as valid.

36. If at the time of the end of the auction (auction) to lower the price at 17:00 the winner of the auction (auction) shall not be determined, then the auction (auction) for this object of auction (auction) shall be declared invalid.

37. If, at the time of the start of the auction, one auction (auction) has registered in the auction hall for the auction object, then the auction (auction) for this auction object is declared invalid (with the exception of auction (auction) for price reduction), on which the sale of the auction object shall be allowed to the only participant).

Footnote. Paragraph 37 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

38. The price change step shall be set as follows:

- 1) at the initial or current price of the object of auction (auction) in the amount of up to 20,000 times the size of the MCI, the change step shall be established at the auction (auction)

to increase the price in the amount of 10% and at the auction (auction) to lower the price in the amount of 5%;

2) at the initial or current price of the object of auction (auction) in the amount of 20,000 to 50,000 times the size of the MCI, the change step shall be established at the auction (auction) to increase the price in the amount of 7% and at the auction (auction) to lower the price in the amount of 5%;

3) at the initial or current price of the object of auction (auction) in the amount of 50000-fold to 100000-fold size of MCI, the change step shall be set at 5%;

4) at the initial or current price of the object of auction (auction) in the amount of 100,000-fold to 250,000-fold size of MCI, the change step shall be set at auction (auction) to increase the price in the amount of 2.5% and at auction (auction) to lower the price in the amount of 5%;

5) at the initial or current price of the object of auction (auction) in the amount of 250,000-fold to 500,000-fold MCI size, the change step shall be set at auction (auction) to increase the price in the amount of 1% and at auction (auction) to lower the price in the amount of 5%;

6) at the initial or current price of the object of bidding (auction) in the amount of 500,000 times the size of the MCI and higher, the change step shall be set at the auction (auction) to increase the price in the amount of 0.5% and at the auction (auction) to lower the price in the amount of 5%.

39. Auction (auction) for price shall increase:

1) at the start of auction (auction) in the auction hall, price shall offer of participants for the auction object shall be displayed, which are a form of expressing their consent to purchase the auction object in compliance with the conditions, and the current price is formed;

2) from the start of auction (auction), the participant shall be given the opportunity to increase the maximum current price of another participant by the step established by paragraph 38 of these Rules;

3) if within twenty (20) minutes from the start of the auction (auction) none of the participants increases the maximum current price, then the participant who proposed it is recognized as the winner, and the auction (auction) for this object of auction (auction) is recognized as valid;

4) if within twenty (20) minutes from the start of auction (auction) in the auction hall one of the participants confirms his desire to purchase the object of auction (auction) by increasing the maximum current price of the other participant by the step established by paragraph 38 of these Rules, then the current price shall be increased by the established step;

5) if within twenty (20) minutes after the increase in the current price none of the participants confirms their desire to acquire the object of auction (auction) by increasing the current price, then the participant who last confirmed his desire to acquire the object of auction (auction) shall be recognized as the winner, and the auction (auction) on this object of bidding (auction) is recognized as valid.

40. If at the start of auction (auction) the price offers of two or more participants contain the same highest price for the object, and this current price will not be increased within 20 (twenty minutes), then the winner of the auction (auction) among these participants is the participant whose price offer has been registered in the auction hall before other price offers of participants whose offers contain the same highest price.

41. Auction (auction) to lower the price:

1) if within 5 (five) minutes from the start of the auction (auction) none of the participants confirms their desire to purchase the object of auction (auction), then the initial price of the object of auction (auction) is reduced by the step established by paragraph 38 of these Rules;

2) if within 5 (five) minutes after the price reduction, none of the participants confirmed their desire to purchase the object of auction (auction), then the last announced price of the object of auction (auction) decreases with a set step.

42. The winner of the auction (auction) for lowering the price shall be the participant who first confirmed his desire to purchase the object of auction (auction) at the announced price, and the auction (auction) for this object of auction (auction) shall be recognized as valid. If the price of the object of auction (auction) has reached the established minimum size, and none of the participants has confirmed their desire to purchase the object of auction (auction), then the auction (auction) shall be declared invalid.

In the cases specified in Paragraph 36, 37 and first part of this Paragraph of the Rules, the seller shall sign an act of failed auction (auction) generated by the web portal.

43. IS USCE shall send to the portal the following documents on the results of the bargaining (auction):

for the winner - a protocol on the results of the auction (auction), a contract for the sale and purchase of a land plot or the right to lease a land plot, information on the amount of the ransom and details for payment;

for other participants - protocol on the results of auction (auction).

If the auction (auction) did not take place, then a new lot is created by an employee of the authorized body in the IS USCE (the number of the new lot should not coincide with the number of the previous failed lot) according to the existing conditional identification number of the land plot. IS USCE shall transfer information on the land plot newly put up for auction (auction) to IS USCE.

On the web portal, an employee of the authorized body also shall create a new auction (auction) for this object according to the existing conditional identification number of the land plot.

Footnote. Paragraph 43 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

44. In the event of a technical failure during the auction (auction), the organizer shall record the fact of a technical failure and, if it exists on the web portal, notifies all bidders (auction) by posting information on the web portal.

If there is a technical failure of the participant's computer and (or) telecommunication equipment, auction (auction) shall continue.

If there is a technical failure of the web portal that prevents bidding (auction), the organizer immediately notifies the National Coordination Center for Information Security, the seller and shall organize the continuation of the auction (auction) within 3 (three) working days from the date of correction by the organizer of the technical failure with prior notification of those admitted to participate in the auction (auction) of participants about the date and time of continuation of the auction (auction) data by placing information on the web portal and sending an electronic message to the participant's email address indicated on the web portal.

45. The results of the auction (auction) for each sold object of the auction (auction) shall be drawn up by the protocol on the results of the auction (auction), which shall be signed on the web portal by the seller and the winner using the EDS on the day of the auction (auction).

46. The protocol on the results of the auction (auction) shall be a document fixing the results of the auction (auction) and the conditions for signing a contract for the sale and purchase of a land plot or the right to lease a land plot between the winner and the seller.

The winner of the auction (auction) shall be determined on the web portal by the automatic formation of a protocol on the results of the tender (auction), after which the web portal shall send the status "Auction (auction) has taken place" to IS USCE with an electronic protocol on the results of the auction (auction).

IS USCE shall save the received information and redirects it to the PCM to change the status of the land plot.

Footnote. Paragraph 46 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

47. The contract for the sale and purchase of a land plot or the right to lease a land plot shall be concluded in electronic format on the web portal and shall be signed by the seller and the buyer using the EDS within 2 (two) working days from the date of signing the protocol on the results of the auction (auction).

The web portal shall send the status "Purchase and sale agreement signed" with an electronic contract for the sale and purchase of a land plot or the right to lease a land plot to IS USCE.

IS USCE shall ensure the transfer of the status "Sale and purchase agreement signed" to the PCM to change the status of the land plot, as well as the preservation of the land plot sale and purchase agreement or the right to lease the land plot in the personal account of the winner of the PCM.

Footnote. Paragraph 47 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

48. Settlements under the contract of sale of a land plot or the right to lease a land plot shall be made between the seller and the buyer. At the same time, the buyer shall transfer payments to the organizer in the following order:

1) a deposit (advance payment) shall be made in the amount of fifty (50) % of the sale price within two (2) business days from the date of signing the land plot purchase and sale agreement or the right to lease the land plot. The guarantee fee shall be credited against the advance payment due;

2) the remaining amount shall be paid no later than thirty (30) calendar days from the date of signing the land plot purchase and sale agreement or the right to lease the land plot.

The buyer shall transfer payments up to 10,000 (ten thousand) MCI to the organizer through the electronic government payment gateway. If the payment amount exceeds 10,000 (ten thousand) MCI, the winner shall attach an electronic copy of the payment receipt.

Footnote. Paragraph 48 – in the wording of the order of the acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

49. If the winner does not sign the protocol on the results of the auction (auction) or the contract of sale of the land plot or the right to lease the land plot within the established time frame, the seller signs an act on the cancellation of the results of the auction (auction), formed on the web portal, and this object of auction (auction) shall be again put up for auction (auction) with the terms of the canceled auction (auction).

50. The sale price shall be transferred by the organizer to the income of the corresponding budget within 3 (three) working days from the date the seller shall submit on the web portal information about the payment by the winner of the sale price of the object of auction (auction) under the sale and purchase agreement.

51. In case of non-fulfillment by the buyer of the conditions for payment of the final payment within the time period established by subparagraph 2) of paragraph 48 of these Rules, the buyer within 10 (ten) working days shall pay the penalty (penalty) for the overdue period from the date when the amount for the land plot has been to be paid until the day of payment.

52. Registration of a land plot purchase and sale agreement or the right to lease a land plot in the legal cadastre shall be made in electronic form within 3 (three) working days from the date of completion of settlements under such an agreement.

53. Disputes on the recognition of the results of auction (auction) shall be recognized as invalid in court.

for the sale of land plot
or land lease rights
in electronic form on the web portal
of the register of state property
Form

Proposal for putting a free land plot up for auction (auction)

Footnote. Annex 1 – in the wording of the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 20.12.2023 № 446 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

In _____
(local executive body of the region, cities of republican significance,
capital, district, city of regional significance, akim of the city of regional significance,
settlement, village, rural district)

from _____
(full name of the legal entity, full name (if any)
individual)

Please I hereby consider the free area located at:

(or its description with reference to the terrain)
on the subject of its submission for auction (auction) for the sale of a land plot or
land lease rights.

Planned target use of the land plot:

1. Information about the applicant.

For legal entity:

name of _____
business identification number (hereinafter referred to as the BIN) (including foreign
of a legal entity, in the absence of a BIN of a branch (representative office))

full name (if any) of the manager

Registration address _____

_____ Contact phone number

For an individual:

surname, name, patronymic (if any) _____;

individual _____ identification number,

address of registration/residence _____

_____ contact phone number

I hereby agree to the collection and processing of my personal data and information,

constituting a legally protected secret contained in information systems necessary for the consideration of this application and the adoption of relevant decisions.

The application shall be accompanied by a land plot scheme drawn up on the public cadastral map.

Date of application: _____

Electronic digital signature of the applicant.

Annex
to the motion to adjudicate
free land plot
for auction (auction)
Form

Land plot layout

| | |
|------------------------------|--|
| Land Plot ID * | |
| Applicant: | |
| Area (hectare/square meter): | |
| Requested purpose: | |
| Land location: | |



Symbols:



Registered land plot



Projected land plot



Adjacent land plot

Note: * the land plot identifier shall be generated automatically on the public cadastral map (twenty-digit numerical code)

Annex 2
to the organization of Rules
and auction (auctions)
for the sale of land plot
or land lease rights
in electronic form on the web portal
of the register of state property
Form

Application for the sale of land plot or (land lease rights)

1. Having considered the published notice of auction (auction) and having read the Rules for organizing and conducting auction (auction) for the sale of land plots or the right to lease land plots in electronic form on the web portal of the register of state property, approved by the order of the Minister of Agriculture of the Republic of Kazakhstan dated October 15, 2021 № 297 (registered in the Register of state registration of regulatory legal acts № 24803)

(surname, name, patronymic (if any) of an individual or name of a legal entity)
wishes to participate in the bargaining (auction) which will take place in ____ hours " ____ " ____ 20 ____ years on the web portal of the register of the state property (further - the web portal).

2. I (we) hereby have made a guarantee fee for participation in auction (auction), which shall be blocked by the web portal until the results of auction (auction) on the object of auction (auction) shall be determined:

| № r/n | Name of the object of auction (auction) | Guarantee fee amount for the object of auction (auction), KZT |
|-------|---|---|
| 1 | | |
| 2 | | |
| | Total | |

3. I am hereby aware that I am not subject to registration as an auction:

1) a legal entity (individual) that shall not meet the conditions for the auction (auction) specified in the application for holding auctions (auctions) and has not paid the guarantee fee specified in the announcement of the auction (auction) to the organizer's account five minutes before the start of the auction (auction);

2) individuals who shall not comply with the third paragraph of paragraph 2 of Article 20 of the Land Code of the Republic of Kazakhstan (hereinafter referred to as the Land Code);

3) individuals consisting in accordance with paragraph 4 of Article 96-1 of the Land Code in the register of individuals from whom land plots have been forcibly seized.

4. If I (we) hereby will be determined by the winner (s) of the auction (auction), I hereby agree to sign the protocol on the results of the auction (auction) on the day of the auction (auction) and sign a land purchase agreement or the right to lease a land plot on the web portal within 2 (two) working days from the date of signing the protocol on the results of the auction (auction).

5. I hereby consent with the fact that the amount of the guarantee contribution made by me (us) is not returned in case of refusal to sign the contract of sale of the land plot or the right to lease the land plot on the terms declared when participating in the auction (auction), in accordance with the protocol on the results of the auction (auction).

6. I hereby present information about myself:

For legal entity:

Name of _____

Business Identification Number _____

Full name (if any) of the manager _____

address: _____

telephone (fax) number: _____

bank details:

individual identification code _____

bank identification code _____

name of the bank _____

beneficiary code _____

Attached to the application shall be:

1) _____

2) _____

For an individual:

full name (if any) _____

individual identification number _____

passport data _____

address: _____

telephone (fax) number: _____

bank details:

individual identification code _____

bank identification code _____

name of the bank _____

beneficiary code _____

I hereby consent with the use of information constituting a secret protected by the Law, as well as the storage, unloading and use of personal data contained in the information systems of state bodies.

Signed and sent by the participant in ____ hours _____ " __ "20 __:

Data from electronic digital signature (hereinafter referred to as the EDS)

Date and time when the EDS has been signed

Application acceptance notice:

EDS data _____

Date and time of the EDS signing

Auction number: _____

(displayed in the application after the end of the auction)

Annex
to Order of the Minister of
Agriculture of the Republic of
Kazakhstan № 297 of
October 15, 2021

List of Orders of the Minister of Agriculture of the Republic of Kazakhstan and the Minister of National Economy of the Republic of Kazakhstan that are no longer in force

1. Order № 290 of the Minister of National Economy of the Republic of Kazakhstan dated March 31, 2015 "On Approval of the Rules for Organisation and Conduct of Bidding (Competitions, Auctions) to Sell Land Plots or Land Lease Rights, Including in Electronic Form" (recorded in the Register of State Registration of Regulatory Legal Acts under № 10937).

2. Paragraph 10 of the list of orders in the sphere of land relations, as amended, approved by Order № 782 of the Minister of National Economy of the Republic of Kazakhstan dated December 22, 2015 (recorded in the Register of State Registration of Regulatory Legal Acts under № 13093).

3. Order № 792 of the Minister of National Economy of the Republic of Kazakhstan dated December 25, 2015 "On Amendments to Order № 290 of the Minister of National Economy of the Republic of Kazakhstan dated March 31, 2015 "On Approval of the Rules for Organisation and Holding of Trades (Competitions, Auctions) on Sale of Land Plot or Land Lease Rights, including in Electronic Form" (recorded in the Register of State Registration of Regulatory Legal Acts under № 12995).

4. Order № 437 of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan dated October 18, 2016 "On Additions to Order №

290 of the Minister of National Economy of the Republic of Kazakhstan dated March 31, 2015 “On Approval of the Rules for Organisation and Holding of Trades (Competitions, Auctions) for Sale of Land or Land Lease Rights, Including in Electronic Form” (recorded in the Register of State Registration of Regulatory Legal Acts under № 14416).

5. Order № 366 of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan dated September 3, 2018 “On amendments to Order № 290 of the Minister of National Economy of the Republic of Kazakhstan dated March 31, 2015 “On approval of the Rules for Organisation and Holding of Trades (Competitions, Auctions) for Sale of Land Plot or Right to Lease Land Plot, Including in Electronic Form” (recorded in the Register of State Registration of Regulatory Legal Acts under № 17525).

6. Order № 282 of the Minister of Agriculture of the Republic of Kazakhstan dated September 11, 2020 “On Amendments to Order № 290 of the Minister of National Economy of the Republic of Kazakhstan dated March 31, 2015 “On Approval of the Rules for Organisation and Holding of Trades (Competitions, Auctions) on Sale of Land Plot or Land Lease Right, Including in Electronic Form” (recorded in the Register of State Registration of Legal Acts under № 21203).