

On State Regulation of Manufacturing and Turnover of Specific Types of Oil Products

Unofficial translation

The Law of the Republic of Kazakhstan dated 20 July, 2011 No. 463-IV.

Unofficial translation

This Law regulates social relations arising in the process of production and circulation of certain types of petroleum products: gasoline, aviation and diesel fuel, fuel oil, road bitumen.

Footnote. Preamble as amended by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced sixty calendar days after the day of its first official publication).

Article 1. Basic definitions, used in this Law

1) a filling station - a technological complex and equipment for the storage and retail sale of petroleum products equipped with metering devices.

The types of filling stations are as follows: stationary - with underground or above-ground placement of tanks for fueling vehicles through fuel dispensers;

container-type - with above-ground placement of tanks for the storage of petroleum products, its technological system is characterized by the placement of fuel dispensers inside a container for storing petroleum products, which is made as a single factory-made product;

mobile - with the placement of a tank and fuel dispenser on the chassis of a vehicle, trailer, semitrailer, which are made as a single factory-made product;

2) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) personal identification number-code - a permanent identification number that is assigned to oil product manufacturers, wholesale suppliers of oil products that import oil products, and to each name of oil product produced in the Republic of Kazakhstan or imported into the territory of the Republic of Kazakhstan, which is necessary for indicating the type, brand of oil products in the accompanying invoice for goods and declarations on the turnover of petroleum products;

4) control metering devices – technical devices that determine the quantitative and qualitative characteristics of petroleum products, intended for accounting with the purpose of subsequent transmission through the operator in real time of data of control metering devices in the field of production and turnover of petroleum products to the authorized body in the field of turnover of petroleum products, as well as to the authorized body in the field of production of petroleum products, installed at production facilities of producers of petroleum

products, bases of petroleum products and at gas stations (except mobile type gas stations), approved for use in accordance with the legislation of the Republic of Kazakhstan in the field of ensuring the uniformity of measurements;

5) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced sixty calendar days after the day of its first official publication).

6) compounding – a blending of two or more components, including introduction of additions, admixtures in order to receive the oil products of program quality;

6-1) intermediate products - products of crude oil and gas condensate processing, which may be used for further processing by a producer of petroleum products (except for a low capacity producer of petroleum products);

7) off-spec petroleum product– a petroleum product that does not meet the requirements of regulatory technical documents and standardization documents;

8) a low power manufacturer of oil products – an oil products manufacturer, carrying out the oil products manufacturing on the process installations, designed capacity of which shall provide refining output of the crude oil and (or) gascondensate of less than eight thousand tons annually;

9) excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication);

10) oil products - certain types of oil products: gasoline, aviation and diesel fuel, fuel oil, road bitumen;

10-1) production facility of petroleum products bases – technological equipment, tank farm, technical devices and communications intended for receiving, storing, shipping and selling petroleum products that meet the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation;

11) delivery plan of oil products – a volume of monthly demands of regions, cities of republican significance and capital for oil products, manufactured in the Republic of Kazakhstan;

11-1) a single operator for the supply of petroleum products is a legal entity designated by the competent authority in the sphere of production of petroleum products, whose main activity is to supply the Armed Forces of the Republic of Kazakhstan, the Border Service of the National Security Committee of the Republic of Kazakhstan, the National Guard of the Republic of Kazakhstan, the competent authority in the sphere of civil protection, the competent authority in the sphere of the state material reserve with petroleum products, as well as to provide them with storage and delivery services;

12) retail trade of oil products – an entrepreneurial activity on oil products sales to individuals and legal entities for own requirements without intention of the following sales;

13) retailer of petroleum products - an individual entrepreneur or a legal entity that purchases petroleum products for further retail sale;

14) wholesale supplier of petroleum products - an individual entrepreneur or a legal entity that purchases petroleum products from producers of petroleum products, petroleum suppliers and (or) importers for further sale;

14-1) importer - an individual entrepreneur or legal entity that brings in (and also imports) its own petroleum products in the Republic of Kazakhstan for further sale;

15) wholesale trade in petroleum products - entrepreneurial activity on the sale of petroleum products by producers of petroleum products, petroleum suppliers, wholesale suppliers of petroleum products, importers for further sale;

16) manufacturing of oil products - a set of operations for processing crude oil and (or) gas condensate, and (or) intermediate products, and also for compounding to ensure the production of petroleum products;

Not to apply to the production of petroleum products compounding, carried out in the reservoir of petroleum products bases and (or) tanks of gas stations in order to change the physical and chemical properties of petroleum products;

17) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication);

18) monitoring of oil products manufacturing and sales –analysis of requirements, processes of manufacturing, sales, transporting, as well as behavior of wholesale and retail prices for oil products;

19) authorized body in the scope of oil products manufacturing – a central executive body , carrying out management in the scopeof state regulation of oil products manufacturing;

20) producer of petroleum products - a legal entity that owns an oil refinery and (or) otherwise legally possesses it and manufactures petroleum products in accordance with its production certificate, and also sells its own petroleum products manufactured by it and (or) delivers petroleum products manufactured from customer-provided raw materials;

21) turnover of oil products – an acquisition, storage, wholesale and retail trade, shipment, transporting, export and import of oil products;

22) authorized body in the scope of turnover of oil products – a central executive body, carrying out management in the scopeof state regulation of turnover of oil products;

23) oil depot - a oil of buildings and structures, including technological equipment, tank farm, technical devices and communications designed for receiving, storing, shipping and selling petroleum products;

24) common database on manufacturing and turnover of oil products –electronic database on manufacturing and turnover of oil products, forming on the basis of administrative data of government bodies, carrying out state regulation of manufacturing and turnover of oil products within their competence;

24-1) data of metering devices in the field of manufacturing and turnover of petroleum products - data on the volumes of manufacturing and turnover of petroleum products;

24-2) operator of data of control metering devices in the field of production and turnover of petroleum products – a legal entity determined by the Government of the Republic of Kazakhstan, providing automated online transmission of data of control metering devices to the authorized body in the field of turnover of petroleum products, its territorial divisions, as well as to the authorized body in the field of production of petroleum products;

24-3) the production facility of a producer of petroleum products – a group of buildings and structures including technological equipment, a tank farm, oil loading racks, technical devices and communications designed to receive crude oil and/or gas condensate, produce, store, discharge, fill, pump, transport, ship and sell petroleum products meeting the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation;

25) manufacture passport – a standard document, reflecting capacity indicators of oil products manufacturer, his (her) principal characteristics, regulating use of available equipment for compliance with manufacturing processes;

26) reservoir - a tank for oil products storage at base or at a production facility of petroleum product producer;

26-1) technological needs - the production process of using technological fuel and (or) oil products for obtaining thermal energy and for other technological processes of the producer of oil products, conditioned by the operating mode and technological characteristics of the equipment;

26-2) process fuel - gaseous, liquid and (or) solid fuel of variable composition, released during the processing of crude oil and (or) gas condensate and (or) refined products and directed by the petroleum products producer to obtain thermal energy and other technological processes of the oil products producer, conditioned by the mode of operation and technological characteristics of the equipment;

27) notification of the authorized body in the field of the turnover of petroleum products - a written message sent as a hard copy or electronically by the authorized body in the field of the turnover of petroleum products and (or) its territorial subdivisions to a producer of petroleum products, petroleum supplier, importer, wholesale supplier of petroleum products or retailer of petroleum products concerning the elimination of violations revealed as a result of an in-house audit in the field of state regulation of manufacturing and turnover of petroleum products;

28) an accompanying invoice for goods - a document designed to control the circulation of petroleum products and necessary for registration of operations for the release and receipt of petroleum products, as well as operations for the transfer of petroleum products to oil suppliers;

29) end user - natural and legal persons that purchase petroleum products with no intent to sell them on.

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 22.06.2012 № 21-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.11.2014 № 257 (shall be enforced from 01.01.2015); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 03.12.2015 № 432-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 27.12.2017 № 126-VI (shall be enforced from 01.01.2018); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (effective from 01.01.2021); dated 05.01.2021 № 407-VI (effective from 01.01.2020); dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication); № 223-VII of 19.04.2023 (shall be enacted ten calendar days after the day of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on state regulation of manufacturing and turnover of specific types of petroleum products

Footnote. The title of Article 2 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

1. The legislation of the Republic of Kazakhstan on state regulation of manufacturing and turnover of oil products shall be based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

Article 3. Scope of application of this Law

1. This Law shall have an effect on the territory of the Republic of Kazakhstan and extend to relations in the scope of manufacturing and turnover of oil products.

2. Validity of this Law shall not extend to relations:

1) arising upon the oil products sales by individuals and (or) legal entities not for the purpose of entrepreneurial activity;

2) in regards to petroleum products manufacturing, arising within the frames of mobilization training, mobilization;

3) arising from the sale of petroleum products by a single operator for the supply of petroleum products to the Armed Forces of the Republic of Kazakhstan, the Border Service of the National Security Committee of the Republic of Kazakhstan, the National Guard of the Republic of Kazakhstan, an authorized body in the field of civil protection, an authorized body in the field of state material reserve.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 30.12.2019 № 297-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 4. State regulation of manufacturing and turnover of oil products

The state regulation of manufacturing and turnover of oil products shall be carried out by:

1) confirmation of delivery schedule of the crude oil and (or) gascondensate for subsoil users to oil products manufacturers for meeting requirements of the local market of the Republic of Kazakhstan;

2) approval of plans for oil and intermediate products processing and supplies of petroleum products;

3) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) establishment of conditions and restrictions on carrying out a wholesale and retail trade of oil products;

5) technical regulation and standardization in the scope of manufacturing and turnover of oil products;

6) carrying out of state control in the scope of manufacturing and turnover of oil products;

7) marginal pricing for the retail sale of petroleum products through stationary gas stations for which state price regulation is established;

7-1) marginal pricing for the wholesale sale of petroleum products for stationary gas stations for which state price regulation is established;

8) carrying out of the monitoring of oil products manufacturing and sales;

9) fulfillment of international obligations of the Republic of Kazakhstan in the part of regulation of manufacturing and turnover of oil products, carrying out of cooperation with bodies of foreign states and international organizations, authorized to regulate questions of manufacturing and turnover of oil products.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry

of six months after its first official publication); dated 30.12.2022 № 177-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 5. Objectives and goals of state regulation of manufacturing and turnover of oil products

1. Objectives of state regulation of manufacturing and turnover of oil products shall be provision of economic security of the Republic of Kazakhstan, satisfaction of customer demands in the qualitative and safety oil products for environment and public health.

2. Goals of the state regulation of manufacturing and turnover of oil products shall be:

- 1) protection of life and health of a human and environmental protection;
- 2) protection of economic interests of the Republic of Kazakhstan, as well as arrangement of conditions, excluding illegal manufacturing and turnover of oil products;
- 3) improvement of quality of oil products, manufactured in the Republic of Kazakhstan;
- 4) arrangement of conditions, securing modernization of refining capacities of oil products manufacturers.

Article 6. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop principal directions of a state policy in the scope of state regulation of manufacturing and turnover of oil products and organize their sales;

2) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) – 12) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

12-1) excluded by Law of the Republic of Kazakhstan № 223-VII dated 19.04.2023 (shall come into effect upon expiration of ten calendar days after the day of its first official publication);

12-2) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

12-3) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

12-4) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2015 № 432-V (shall be enforced from 01.01.2016);

12-5) excluded by Law of the Republic of Kazakhstan № 223-VII dated 19.04.2023 (shall take effect ten calendar days after the day of its first official publication);

12-6) is excluded by the Law of the Republic of Kazakhstan dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

13) excluded by Law of the Republic of Kazakhstan № 223-VII dated 19.04.2023 (shall be effective ten calendar days after the day of its first official publication).

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated

10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.11.2014 № 257 (shall be enforced from 01.01.2015); dated 03.12.2015 № 432-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication); № 223-VII of 19.04.2023 (shall be enacted ten calendar days after the date of its first official publication).

Article 7. Competence of an authorized body in the scope of oil products manufacturing

An authorized body in the scope of oil products manufacturing shall:

1) develop and implement the state policy in the field of state regulation of petroleum products production within its competence;

2) develops and approves the procedure for approval and withdrawal of the production passport, the form of the production passport;

2-1) approve a production certificate for producers of petroleum products;

2-2) establish a single operator for the supply of petroleum products;

3) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

4) annually confirm the preventive maintenance schedules of processing installations of oil products manufacturers in recognition of spring farm and harvest works and heating season;

5) develop and approve the procedure for monitoring petroleum products manufacturing and sale;

6) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

7) carry out state control in the scope of oil products manufacturing;

8) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

9) develop and approve a list of petroleum products subject to the state price regulation;

10) annually approve plans for oil and intermediate products processing;

11) monthly confirm delivery plans of certain types of oil products;

12) confirm delivery schedule of the crude oil and (or) gas condensate for subsoil users to oil products manufacturers, as well as to oil refinery plants, located beyond the boundaries of the Republic of Kazakhstan, for meeting requirements of the local market of the Republic of Kazakhstan;

12-1) develop and approve a list of intermediate products in coordination with the authorized body in the field of the turnover of petroleum products;

13) develop and present the proposals on taking the actions of customs tariff and non-tariff regulation in respect of export and (or) import of oil products;

14) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

14-1) within its competence, for the formation and maintenance of a single database on petroleum products manufacturing and turnover, provide the authorized body in the field of the turnover of petroleum products with information on actual daily volumes of production, sale (shipment) and remains of petroleum products by types and by producers of petroleum products, petroleum suppliers (on the volumes of sale (shipment) and on the remains of petroleum products), importers (on the volumes of imports) in accordance with the procedure provided for by subparagraph 3) of article 8 of this Law;

14-2) within its competence, submit to the authorized body in the field of the turnover of petroleum products approved (also corrective) annual plans for petroleum processing, monthly schedules of petroleum, transportation to all petroleum refineries (including those located outside the Republic of Kazakhstan) by petroleum suppliers (subsoil users), monthly plans (schedules of) for petroleum suppliers' delivery of petroleum products to the regions of the Republic of Kazakhstan;

15) sets the marginal prices for the retail sale of petroleum products through stationary gas stations for which state price regulation is established;

15-1) sets the marginal prices for the wholesale sale of petroleum products for stationary gas stations for which state price regulation is established;

16) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

17) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

18) develop and approve the procedure for admitting petroleum suppliers to the processing of crude oil and (or) gas condensate and (or) intermediate products;

19) conduct departmental statistical monitoring in the scope of manufacturing and sales of oil products in accordance with a plan of statistical efforts;

20) carry out administrative accounting in the scope of manufacturing and sales of oil products on the forms, coordinated with an authorized body in the scope of state statistics;

21) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication);

21-1) develop and approve the rules for the delivery of petroleum products by the single operator for the supply of petroleum products to the Armed Forces of the Republic of Kazakhstan, the Border Guard Service of the National Security Committee of the Republic of

Kazakhstan, the National Guard of the Republic of Kazakhstan, the authorized body in the field of civil protection, the authorized body in the field of state material reserves;

21-2) develop and approve the list of petroleum products delivered by the single operator for the supply of petroleum products to the Armed Forces of the Republic of Kazakhstan, the Border Guard Service of the National Security Committee of the Republic of Kazakhstan, the National Guard of the Republic of Kazakhstan, the authorized body in the field of civil protection, the authorized body in the field of state material reserves;

21-3) develops and approves the procedure for determining the marginal price for the retail sale of petroleum products through stationary gas stations for which state price regulation is established, as well as for wholesale sale of petroleum products for stationary gas stations for which state price regulation is established;

21-4) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication);

21-5) approve technical standards in the field of manufacturing of petroleum products;

21-6) carry out consideration of draft standardization documents within the competence, as well as preparing proposals for development, amendment, revision and cancellation of national, interstate standards, national classifiers of technical and economic information and standardization recommendations for submission to the authorized agency for standardization ;

21-7) develop a procedure for formation of delivery plan of oil products;

21-8) develops and approves the procedure and requirements for equipping production facilities of petroleum products bases with control metering devices;

22) carry out the other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 22.06.2012 № 21-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication) dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 30.12.2022 № 177-VII (shall be enforced sixty calendar days after the date of its first official publication) ; № 223-VII of 19.04.2023 (shall enter into force ten calendar days after the date of its first official publication).

Article 8. Competence of authorized body in the scope of turnover of oil products

An authorized body in the scope of turnover of oil products shall:

- 1) within its competence, develop and implement state policy in the field of state regulation of petroleum product turnover;
- 2) carry out state control in the scope of turnover of oil products;
- 3) develop and confirm the procedure for formation and maintenance of common database on manufacturing and turnover of oil products;
- 4) carry out the common database maintenance on manufacturing and turnover of oil products in the manner, prescribed by subparagraph 3) of this Article;
- 5) carry out an in-house audit of turnover of oil products;
- 6) excluded by the Law of the Republic of Kazakhstan dated 05.01.2021 № 407-VI (effective from 01.01.2020);
- 7) develop and approve the rules for assigning personal identification code numbers;
- 8) develop and confirm the form of notifications;
- 9) develop and approve the forms, rules for submitting and drawing up declarations on the turnover of petroleum products;
- 10) Is excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018);
- 10-1) get approvals for the list of intermediate products submitted by the authorized body in the field of production of petroleum products;
- 10-2) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication);
- 10-3) establish the operator of the data of control metering devices in the sphere of production and turnover of petroleum products as agreed with the competent authority in the sphere of production of petroleum products;
- 11) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);
- 12) develop and approve the form and rules for maintaining the log of the movement of petroleum products at filling stations and oil depots;
- 12-1) develop and approve the procedure and requirements to equipping reservoirs of production facilities of producers of oil products, and filling stations (except for mobile ones) with metering devices;

12-2) within its competence, provide for reconciliation to the authorized body in the field of manufacturing petroleum products information on the volumes of manufacturing and turnover of petroleum products from the single database for the manufacturing and turnover of petroleum products;

13) carry out the other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.11.2014 № 257 (shall be enforced from 01.01.2015); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 03.12.2015 № 432-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication) ; dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 27.12.2017 № 126-VI (shall be enforced from 01.01.2018); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 05.01.2021 № 407-VI (effective from 01.01.2020); dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication); № 223 -VII of 19.04.2023 (shall become effective ten calendar days after the date of its first official publication).

Article 9. Competence of other government bodies in the scope of state regulation of manufacturing and turnover of oil products

1. An authorized body in the scope of technical regulation and metrology shall:

1) carry out state control of compliance with requirements of oil products, established by the technical regulations;

2) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

3) carry out the other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

2. Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. The authorized body in the field of industrial safety:

1) carry out a state regulation and state control in the scope of commercial security in the process of manufacturing, transporting, storage and sales of oil products;

2) carry out the other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

4. An authorized body in the scope of development of agroindustrial complex shall:

1) determine the volumes of oil products, required for delivery to agricultural producers, jointly with the local executive bodies of oblasts;

2) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

3) carry out the analysis of oil products security of agricultural producers and represent its results to authorized body in the scope of oil products manufacturing;

3-1) approves the procedure for determining regional operators of distribution of petroleum products for agricultural work, as well as the procedure for formation and distribution of volumes of petroleum products for agricultural producers during spring field and harvesting works;

4) carry out the other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.05.2015 № 312-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.12.2016 № 34-VI (shall be enforced from 01.01.2017) ; dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2022 № 177-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 10. Competence of local executive bodies of oblasts, cities of republican significance and capital

Local executive bodies of oblasts, cities of republican significance and capital shall:

1) make a consumption forecast of oil products within the territory of regions, cities of republican significance and capital, on which a state price regulation is established for the coming calendar year by month;

2) make a consumption forecast of oil products within the territory of oblasts, cities of republican significance and capital for a heating season;

2-1) Is excluded by the Law of the Republic of Kazakhstan dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

3) carry out the other powers, assigned on local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local state administration.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official

publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 11. State control of manufacturing and turnover of specific types of oil products

State control over the production and circulation of certain types of petroleum products shall be carried out in the form of inspection and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 11-1. Oil supplier

An oil supplier is a legal entity that supplies the producer of petroleum products, as well as refineries located outside the Republic of Kazakhstan, with crude oil and (or) gas condensate, independently extracted, received by the Republic of Kazakhstan as taxes paid in kind in accordance with the tax legislation of the Republic of Kazakhstan, independently imported (including imported) into the territory of the Republic of Kazakhstan and (or) acquired directly from an interconnected subsoil user and (or) from a person, who has imported (including import) it into the territory of the Republic of Kazakhstan and sells petroleum products obtained as a result of processing such oil and (or) gas condensate under the conditions established by this Law.

An oil supplier is also a legal entity that supplies the producer of petroleum products (with the exception of a producer of petroleum products of low-capacity) with products of crude oil or gas condensate processing that were independently imported (including imported) into the territory of the Republic of Kazakhstan and (or) that were purchased from the person who imported them (including import) into the territory of the Republic of Kazakhstan, and (or) obtained by the subsoil user as a result of processing of independently extracted crude oil and (or) gas condensate, and (or) purchased directly from an interconnected subsoil user, who received them as a result of processing of independently extracted crude oil and (or) gas condensate.

For the purposes of this Law, an oil supplier is a person related to a subsoil user, subject to at least one of the following conditions:

- the oil supplier owns fifty percent or more of the shares (participation shares in the authorized capital) in the subsoil user;

- the subsoil user owns fifty percent or more of the shares (participation shares in the authorized capital) in the oil supplier;

the oil supplier and the subsoil user are controlled by a person who owns fifty percent or more of the shares (participation shares in the authorized capital) in the oil supplier and the subsoil user.

Footnote. The Law is supplemented by Article 11-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 12. Obligations of oil products manufacturers

1. Oil products manufacturers shall:

1) carry out the oil products sales under the terms of fairness and non-discrimination, unless otherwise provided by this Law;

2) before petroleum products are manufactured, send an application for the assignment of a personal identification code number to the appropriate territorial unit of the authorized body in the field of the turnover of petroleum products in accordance with the rules approved by the authorized body in the field of the turnover of petroleum products;

3) produce and carry out a wholesale trade of oil products in recognition with requirements of this Law;

4) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication).

5) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication).

6) present the annual preventive maintenance schedules of processing installations to authorized body in the scope of oil products manufacturing on confirmation and keep to this schedule;

7) present the primary statistics or primary administrative data, required for departmental statistical monitoring or administrative accounting to authorized body in the scope of oil products manufacturing;

8) provide equal admission conditions to petroleum suppliers for the processing of crude oil and (or) gas condensate and/or intermediate products;

9) Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication).

10) ensure equal access to oil suppliers, as well as purchase and accept for processing crude oil, gas condensate, refined products (except for producers of low-capacity petroleum products) with documents confirming their origin, specified in part two of paragraph 5 of Article 18 of this Law;

11) maintain accounting of process fuel volumes used for process needs;
12) purchase from oil suppliers the process fuel, obtained during the processing of tolling raw materials and used for process needs.

2. Obligations provided for in subparagraphs 6), 8), 11) and 12) of paragraph 1 of this article do not apply to producers of low-capacity petroleum products.

3. Oil products manufacturers shall be prohibited to:

1) sell crude oil and (or) gas condensate, and (or) processed products received (acquired) for the purpose of their processing;

2) carry out the manufacturing of petrol and diesel fuel with the use of metallic additions (iron, manganese, lead and others, except for antistatic additions for diesel fuel);

2-1) sell and (or) ship off-spec petroleum products;

3) use one and the same equipment for oil products manufacturing by two and more oil products manufacturers;

4) purchase and also take for processing crude oil and (or) gas condensate, and (or) intermediate products; in the absence of the documents specified in subparagraphs 1) and 2) of paragraph 5 of article 18 of this Law;

4-1) manufacture petroleum products without a production certificate approved in accordance with the established procedure;

5) abandon the work of processing installations, used for oil products manufacturing, without securing approval of authorized body in the scope of oil products manufacturing, with the exception of immediate prevention of accidental situation where it's necessary.

6) production of petroleum products, with the exception of road bitumen, without equipping tanks with control metering devices or with faulty control metering devices and (or) control metering devices that do not automatically transmit information about the volume of production of petroleum products to the authorized body in the field of turnover, as well as to the authorized body in the field of production of petroleum products;

7) to carry out the sale (shipment) of certain types of oil products, with the exception of road bitumen, from the tanks of the production facility of the oil products manufacturer without moving oil products through control metering devices.

4. Proscription, provided by subparagraph 5) of paragraph 3 of this Article, shall not extend to low power oil products manufacturers.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.11.2014 № 257 (shall be enforced from 01.01.2016); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 02.01.2021 № 399-VI (effective from 01.01.2021); dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall be enforced sixty calendar days after the

date of its first official publication); dated 06.04.2024 № 71-VIII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 13. Requirements, ensuring security in the scope of manufacturing and turnover of oil products

1. Manufacturing and turnover of oil products shall ensure security for life and health of a human and environmental protection in accordance with the legislation of the Republic of Kazakhstan.

2. Objects of technical regulation and standardization in the scope of manufacturing and turnover of oil products shall be the oil products, as well as processes of their manufacturing, storage, transporting, sales, destruction and utilization. 2. Objects of technical regulation and standardization in the scope of manufacturing and turnover of oil products shall be the oil products, as well as processes of their manufacturing, storage, transporting, sales, destruction and utilization.

3. Equipment and technical facilities, used during the manufacturing and turnover of oil products shall comply with requirements of the legislation of the Republic of Kazakhstan in the scope of safety of machinery and equipment, as well as technical regulations.

4. The requirements of the environmental legislation of the Republic of Kazakhstan, as well as the laws of the Republic of Kazakhstan on architectural, town-planning and construction activity, on civil protection shall be met and the risks of emergencies shall be taken into account when designing and constructing facilities for processing, transportation and distribution of petroleum products.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication).

Article 14. State regulation of prices for petroleum products

1. In order to ensure economic security in the Republic of Kazakhstan, state regulation of prices for the retail sale of petroleum products through stationary gas stations and for the wholesale sale of petroleum products intended for sale at stationary gas stations of significant social importance, as well as having a significant impact on the economy of the Republic of Kazakhstan, may be established in accordance with the procedure approved by the authorized body in the field of production of petroleum products.

2. The authorized body in the field of production of petroleum products, in coordination with the authorized body exercising leadership in the areas of natural monopolies, sets the maximum prices for the retail sale of petroleum products through stationary gas stations and for the wholesale sale of petroleum products intended for sale at stationary gas stations for which state price regulation is established.

3. Persons engaged in the retail sale of petroleum products through stationary gas stations are obliged not to exceed the established marginal prices for the retail sale of petroleum products, for which state price regulation is established.

Persons engaged in the wholesale sale of petroleum products for stationary gas stations are obliged not to exceed the established marginal prices for the wholesale sale of petroleum products, for which state price regulation is established.

4. In cases of state regulation of prices for the retail sale of petroleum products through stationary gas stations and for the wholesale sale of petroleum products intended for sale at stationary gas stations, marginal prices are set no more than once a month.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 15. Current account for financing of investment program

Footnote. Article 15 is excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 16. Avowal of turnover of oil products and results of in-house audit

1. Persons, carrying out manufacturing and (or) oil products sales shall be obliged to present a declaration on turnover of oil products to authorized body in the scope of turnover of oil products.

2. On the basis of declarations on petroleum products circulation, accompanying invoices for goods and data from control metering devices, the authorized body in the petroleum products circulation and (or) its territorial divisions shall conduct in-house control. In case of retail sales from mobile filling stations, in-house control shall be made on the basis of declarations on the turnover of petroleum products and accompanying invoices for goods.

3. If in-house audits in the field of state regulation of manufacturing and turnover of petroleum products reveal discrepancies, within ten working days from the day of detection of such a violation, a person manufacturing and (or) selling petroleum products receives the notification.

The notification indicates the surname, name, patronymic (if any) or the full name of a person manufacturing and (or) selling petroleum products, identification number, the name of the tax authority, the date of notification, the reason for notification, the procedure for appeal.

4. The notification must be delivered to the person manufacturing and (or) selling petroleum products or his/her representative personally against receipt or in any other way confirming the fact of sending and receiving.

The notification, which is sent by registered mail with return receipt or electronically via electronic communication channels ensuring guaranteed delivery of messages, is deemed to

be delivered on the day the reply was received by a postal or other communication organization or upon expiration of five business days after the notification was sent electronically.

The person manufacturing and (or) selling petroleum products shall execute the notification within thirty calendar days from the day following the day of delivery (receipt).

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 № 538-IV (shall be enforced from 01.01.2012); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.01.2021 № 407-VI (effective from 01.01.2020).

Article 17. Notification of the commencement or termination of the activity of wholesale suppliers of petroleum products related to wholesale supplies of petroleum products

Footnote. The title of Article 17 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Prior to the commencement or termination of the activity related to wholesale supplies of petroleum products, wholesale suppliers of petroleum products are obliged to notify thereof the authorized body in the field of manufacturing petroleum products according to the procedure established by the Law of the Republic of Kazakhstan “On Permits and Notifications”.

2. Wholesale suppliers of oil products shall comply with the following requirements:

1) to own a base of petroleum products on the basis of the right of ownership or other legal grounds.

The lease agreement for the base of petroleum products must be concluded for a period of at least one year;

2) **Is excluded by the Law of the Republic of Kazakhstan dated 27.12.2017 № 126-VI (shall be enforced from 01.01.2018);**

3) in cases of sale of aviation fuel and (or) wholesale sale of petroleum products by producers of petroleum products, suppliers of petroleum products and imports of petroleum products, to own, on the basis of the right of ownership or other legal grounds, a base of petroleum products or a reservoir;

4) for wholesale suppliers who are in the register of wholesale suppliers of petroleum products, to own a tank at the base of petroleum products on the basis of the right of ownership or other legal grounds.

3. In case of termination of the right of ownership and (or) use of the base of petroleum products, the wholesale supplier of petroleum products submits a notice of termination of activities related to the wholesale supply of petroleum products.

4. An authorized body shall keep register of wholesale suppliers of oil products and make modifications and additions in it.

5. Is excluded by the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

6. The wholesale sale of petroleum products by wholesale suppliers of petroleum products without notifying of the commencement of such activity entails responsibility established by the Code of the Republic of Kazakhstan on Administrative Offences.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 24.12.2012 № 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the day its first official publication); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced from 01.01.2018); dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 18. Special features of state regulation of processing crude oil and (or) gas condensate, and (or) intermediate products and delivery of petroleum products

Footnote. The title of Article 18 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Annually, on or prior to 15 December, the authorized body in the field of manufacturing petroleum products approves the plan for processing petroleum, intermediate products for producers of petroleum products, except for low capacity producers of petroleum products, for the coming calendar year, in order to ensure maximum capacity utilization of producers of petroleum products and satisfy the domestic demand of the Republic of Kazakhstan for petroleum products.

2. The plan for processing petroleum and (or) intermediate products determines the volume of crude oil and/or gas condensate and/or intermediate products that a producer of petroleum products must monthly process to manufacture respective types of petroleum products within a calendar year with account of the domestic consumption of petroleum products forecast for the Republic of Kazakhstan.

3. The plan for processing petroleum and (or) intermediate products is drawn up with account of the demand for petroleum products by agricultural producers during the spring-field and harvest work and also heat supply organizations during the heating season.

4. Annually, on or prior to 30 November, petroleum suppliers send requests for the supply of crude oil and (or) gas condensate and (or) intermediate products to the authorized body in the field of manufacturing petroleum products, indicating the planned volumes, terms of

deliveries of crude oil and (or) gas condensate, and (or) intermediate products and destinations of deliveries of produced petroleum products by regions, cities of republican significance, the capital for the coming calendar year.

5. Oil suppliers have the right to purchase and (or) supply crude oil and (or) gas condensate, and (or) refined products to producers of petroleum products (except for producers of low-capacity petroleum products) if they have documents confirming their origin

Documents confirming origin shall include:

1) a document confirming the quality (quality certificate) of crude oil and (or) gas condensate, and (or) refined products;

2) contract for the purchase and sale and (or) transfer of crude oil and (or) gas condensate, and (or) refined products, indicating the name of the field and the name of the petroleum product manufacturer to whom the crude oil and (or) gas condensate is provided for processing (in the case sales to a petroleum product manufacturer);

3) transportation documents issued in accordance with the legislation of the Republic of Kazakhstan on road transport, railway transport, inland water transport, main pipeline and tax legislation of the Republic of Kazakhstan.

The documents specified in part two of this paragraph shall be provided on paper and (or) in the form of an electronic document.

6. With account of the requests specified in paragraph 4 of this article, the authorized body in the field of manufacturing petroleum products approves, for petroleum suppliers, the schedule of deliveries of crude oil and (or) gas condensate and (or) intermediate products which indicates the volumes and terms of deliveries of crude oil and (or) gas condensate and/or intermediate products to producers of petroleum products, as well as petroleum refineries located outside the Republic of Kazakhstan, in order to ensure the fulfillment of the plan for processing petroleum and (or) intermediate products. Annually, on or prior to 15 December, the authorized body in the field of manufacturing petroleum products approves the schedule of deliveries of crude oil and/or gas condensate and/or intermediate products for the coming calendar year and communicates it to petroleum suppliers and producers of petroleum products within ten calendar days from the date of its approval. Petroleum suppliers are obliged to deliver crude oil and/or gas condensate and/or intermediate products in accordance with the approved schedule of deliveries of crude oil and (or) gas condensate.

7. The authorized agency in the field of manufacturing oil products shall approve the plan for deliveries of oil products for the coming calendar year on a monthly basis no later than 25 day of the month preceding the planned one and publish it on its Internet resource.

The plan for deliveries of oil products indicates:

1) list of oil suppliers and producers of oil products, with the exception of producers of oil products of low power;

2) volumes of each type of oil products that each oil supplier and producer of oil products, with the exception of producers of oil products of low power shall be required to supply to the domestic market of the Republic of Kazakhstan in the coming calendar month:

as part of direct deliveries;

through commodity exchanges in accordance with the Legislation of the Republic of Kazakhstan on commodity exchanges;

3) volumes of each type of oil products that each oil supplier and producer of oil products, with the exception of producers of oil products of low power shall be entitled, under the conditions established by this Law, to sell at their discretion in the territory of the Republic of Kazakhstan or outside it in the coming calendar month.

8. Oil suppliers and producer of oil products with the exception of producers of oil products of low power shall be obliged to carry out the oil products deliveries, manufactured from their own right of ownership or other legal bases of crude oil and (or) gas condensate, in accordance with the plan for deliveries of oil products.

Persons who have purchased oil products under the plan for deliveries of oil products for the purpose of their further sale shall be required to sell the purchased oil products exclusively on the domestic market of the Republic of Kazakhstan in accordance with the requirements of this Law.

8-1. Single operator for the supply of petroleum products is obliged to deliver petroleum products in accordance with the rules for the delivery of petroleum products by the single operator for the supply of petroleum products to the Armed Forces of the Republic of Kazakhstan, the Border Guard Service of the National Security Committee of the Republic of Kazakhstan, the National Guard of the Republic of Kazakhstan, the authorized body in the field of civil protection, state material reserves, including the procedure for price formation.

9. The provision of a notarized copy of the contract specified in subparagraph 3) of paragraph 5 of this article is a condition for the conclusion of a contract for the processing of crude oil and (or) gas condensate and (or) intermediate products by a producer of petroleum products with petroleum suppliers.

10. Petroleum suppliers shall submit a report to the authorized agency in the field of manufacturing oil products on execution of the schedule for deliveries of crude oil and (or) gas condensate and (or) process products and plan for deliveries of oil products manufactured in the Republic of Kazakhstan.

10-1. The provisions provided by Paragraphs 7 and 8 of this Article shall not apply for delivery of fuel oil.

11. Oil products manufacturers shall be obliged to present information in the form of administrative accounting, necessary for manufacturing monitoring and oil products sales to authorized body in the scope of oil products manufacturing.

12. A petroleum supplier has the right to compensate a producer for the amount of expenses associated with the producer's fulfillment of the tax obligation to pay an excise duty

calculated in accordance with the tax legislation of the Republic of Kazakhstan for intermediate products from the customer-provided raw materials, if such compensation is provided for by the terms of the contract between the supplier and the producer.

13. Valid from 01.01.2018 to 31.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 02.01.2021 № 399-VI.

14. The oil supplier sells to the oil product manufacturer the process fuel obtained as a result of processing of raw materials owned by such oil supplier.

At the same time, the oil supplier shall reimburse the oil product manufacturer for the costs associated with the purchase of process fuel used for technological needs in the processing of tolling raw materials in the manner and on the terms established by the agreement between the oil supplier and the oil product manufacturer.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 22.06.2012 № 21-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.12.2013 № 152-V (shall be enforced from 10.08.2011); dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.07.2014 № 233-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (enforcement, Article 2); dated 06.04.2024 № 71-VIII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 19. Conditions of the turnover of petroleum products.

Footnote. The title of Article 19 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Import and sales of petrol and diesel fuel, containing metallic additions (iron, manganese, lead and others, except for antistatic additions for diesel fuel), and non-merchantable oil products, including their storage without following refining shall be prohibited on the territory of the Republic of Kazakhstan.

Provisions of this paragraph shall not apply in cases of process fuel sale to petroleum products producer for process needs.

2. In the light of the requirements of this Law, the sale of petroleum products shall be allowed to:

- 1) producers of petroleum products - from tanks and (or) at filling stations;**
- 2) petroleum suppliers - from oil loading racks of production facilities of producers of petroleum products, as well as from oil depot tanks and (or) at filling stations;**

3) importers - from oil depot tanks and (or) at filling stations;

4) wholesale suppliers of petroleum products - from oil depot tanks and (or) at filling stations;

5) retail sellers of petroleum products - from oil depot tanks and (or) at filling stations.

The provisions of the first part of this paragraph do not apply to the sale of road bitumen.

3. Sales, shipment and (or) transportation and pumping of petroleum products are carried out with the obligatory movement of petroleum products via the metering devices of:

1) tanks – by producers of petroleum products, petroleum suppliers, wholesale suppliers of petroleum products, importers, retail sellers of petroleum products.

Petroleum suppliers engaged in the sale of petroleum products, obtained as a result of processing their own crude oil and (or) gas condensate, from oil loading racks of the production facility of a producer of petroleum products move such petroleum products via the metering devices of a producer of petroleum products either in the process of loading into automobile and (or) rail tanks or during pumping, transporting into a tank or to the filling station of a petroleum supplier.

Importers, as well as petroleum suppliers, selling petroleum products obtained as a result of processing their own crude oil and (or) gas condensate by petroleum refineries located outside the Republic of Kazakhstan, sell petroleum products from tanks and (or) at filling stations located in the Republic Kazakhstan, with obligatory movement of petroleum products via metering devices;

Sales, shipment and (or) transportation, as well as pumping of petroleum products from petroleum product depots, shall be carried out without the use of control metering devices, while the storage of petroleum products in tanks of petroleum product depots shall be carried out with mandatory equipment with control metering devices;

2) filling stations (except for mobile ones) – by producers of petroleum products, petroleum suppliers, wholesale suppliers of petroleum products, importers, retail sellers of petroleum products.

The sale, shipment and (or) transportation and pumping of fuel oil (mazut) requires no metering devices, except for its shipment and (or) sale from the production facilities of a producer of petroleum products. At the same time, the sale of process fuel by the oil supplier to the oil products manufacturer for technological needs is carried out without the use of control metering devices.

The sale of petroleum products in storage tanks for petroleum products of petrol stations (with the exception of mobile petrol stations) and (or) petroleum product depots, carried out in connection with the change of the owner and (or) owner (tenant) of such petrol stations and (or) petroleum product depots, allowed without discharge (shipment) of oil products from such tanks.

Realization, shipment and (or) transportation, pumping of road bitumen are carried out without the use of control metering devices.

The sale of petroleum products through commodity exchanges in accordance with the rules of exchange trading can be carried out without draining (shipping) of petroleum products from the corresponding storage tanks for petroleum products.

3-1. Petroleum suppliers have the right to sell petroleum products from the oil loading racks of the production facility of a producer of petroleum products.

A producer of petroleum products delivers petroleum products, received as a result of the processing of customer-provided raw materials, to a petroleum supplier by way of pouring into automobile and (or) rail tanks or pumping, transporting into a tank or to a filling station of the petroleum supplier, which he/she owns on the basis of ownership or other legal grounds, and this delivery is documented by delivery and acceptance acts.

4. Clause 4 was valid from 01/01/2018 to 31.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2021 № 96-VII.

4-1. The right to sell oil products outside the territory of the Republic of Kazakhstan shall be exclusively reserved for oil product manufacturers and oil suppliers.

At the same time, the persons specified in part one of this Paragraph shall have the right to sell outside the territory of the Republic of Kazakhstan only oil products manufactured from crude oil and (or) gas condensate belonging to them on the basis of the rights of ownership or other legal bases, in volumes not exceeding those specified in the plan of deliveries of oil products.

Other persons shall not be entitled to sell oil products outside the territory of the Republic of Kazakhstan.

The restrictions established by this Paragraph shall not apply to fuel oil delivery.

4-2. Sales of petroleum products and (or) refined products shall be carried out by the entities specified in paragraph 2 of this article if they have the following documents confirming their origin:

1) a document confirming the quality (quality certificate);

2) contract for the purchase and sale and (or) supply of petroleum products and (or) refined products;

3) transportation documents issued in accordance with the legislation of the Republic of Kazakhstan on road transport, railway transport, inland water transport, the main pipeline and the tax legislation of the Republic of Kazakhstan.

The documents specified in part one of this paragraph shall be submitted on paper and (or) in the form of an electronic document.

5. Is excluded by the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.11.2014 № 257 (shall be enforced from 01.01.2015); dated 29.12.2014 № 269-V (shall be enforced from 02.01.2015); dated 03.12.2015 № 432-V (shall

be enforced from 01.07.2016); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 № 126-VI (shall be enforced from 01.01.2018); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (effective from 01.01.2021); dated 05.01.2021 № 407-VI (effective from 01.01.2020); dated December 30, 2021 № 96-VII (see Article 2 for the procedure for enactment); dated July 14, 2022 № 141-VII (shall come into effect: from January 1, 2024, for wholesale suppliers of petroleum products who own petroleum product depots and (or) tanks with a total tank farm volume of over ten thousand cubic meters; from July 1, 2024, for wholesale suppliers petroleum products owning petroleum product depots and (or) tanks with a total tank farm volume equal to or less than ten thousand cubic meters); dated 06.04.2024 № 71-VIII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

Article 20. Transport conditions of the crude oil, gas condensate and oil products by railway, highway, marine, inland water and air transport

1. excluded by the Law of the Republic of Kazakhstan dated 05.01.2021 № 407-VI (effective from 01.01.2020).

2. Part one of paragraph 2 was valid from 01.01.2018 to 31.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2021 № 96-VII .

When importing petroleum products to the territory of the Republic of Kazakhstan, the accompanying consignment note for goods is issued by the recipient.

For the purposes of this paragraph, the recipient is recognized as:

- 1) a legal entity that is a buyer of petroleum products, a branch of this legal entity indicated by it as a recipient;
- 2) a legal entity, its branch, which are recipients of petroleum products in case of internal transfer;
- 3) an individual who is a buyer of petroleum products, including in case of internal movement of petroleum products.

Internal movement is recognized as the movement associated with petroleum products transportation within the activity objects of one individual conducting business, or a legal entity.

The accompanying invoice for goods shall be issued in electronic form through the Internet resource.

3. Documents related to the transportation of crude oil, gas condensate, refined products and petroleum products by pipeline, rail, road, sea, inland waterway and air transport must comply with the requirements established for the transportation of dangerous goods for each type of transport.

4. The design and operating conditions of the means of storage and transportation of crude oil, gas condensate and petroleum products by pipeline, rail, road, sea, inland waterway and air transport must comply with the technical regulations.

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 03.12.2015 № 432-V (shall be enforced from 01.07.2016); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.01.2021 № 407-VI (effective from 01.01.2020); dated December 30, 2021 № 96-VII (shall be enforced from January 1, 2018 and valid until December 31, 2020).

Article 21. Conditions for the wholesale sale of petroleum products

1. The wholesale sale of petroleum products is only allowed by producers of petroleum products, petroleum suppliers, importers, as well as wholesale suppliers of petroleum products.

2. Wholesale suppliers of petroleum products may wholesale petroleum products only if they are entered in the register of wholesale suppliers of petroleum products in the manner prescribed by this Law.

3. The producer of petroleum products, the petroleum supplier, the importer has the right to wholesale petroleum products only to wholesale suppliers of petroleum products and (or) to retail sellers of petroleum products.

The provision of part one of this paragraph does not apply to cases when an oil supplier sells fuel oil and road bitumen, which are products of processing of its own tolling raw materials, to another oil supplier in the reservoir of a production facility of an oil product manufacturer.

Producers of petroleum products and suppliers of oil annually in the period from March 1 to May 31 and from July 1 to September 30 are obliged to supply volumes of petroleum products for which state regulation of prices is established to stationary gas stations in accordance with the plan for the supply of petroleum products.

4. Wholesale suppliers of petroleum products that purchase petroleum products from producers of petroleum products, petroleum suppliers, importers and also structural subdivisions of the authorized body in the field of state material reserves (when petroleum products are delivered from the state material reserves), are entitled to wholesale petroleum products only to retail sellers of petroleum products or to end users.

Wholesale suppliers of petroleum products are not entitled to sell petroleum products to other wholesale suppliers of petroleum products.

5. Prior to the commencement of bringing in (and also importing) petroleum products, importers must apply to the appropriate territorial unit of the authorized body in the field of the turnover of petroleum products for the assignment of a personal identification code number in the manner determined by the authorized body in the field of the turnover of petroleum products.

6. Wholesale suppliers of petroleum products are obliged to store petroleum products, with the exception of road bitumen, only in tanks of petroleum products bases and (or) at gas stations with mandatory equipment with control metering devices.

7. Producers, petroleum suppliers, importers, wholesale suppliers of petroleum products are prohibited from wholesaling petroleum products in violation of the procedure provided for in this article.

8. Excluded by the Law of the Republic of Kazakhstan dated December 30, 2021 № 96-VII (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication).

9. The wholesale sale of petroleum products does not include the sale of petroleum products in the storage tanks of petroleum filling stations (with the exception of mobile filling stations) and (or) petroleum product depots, carried out by retailers of petroleum products in connection with the change of ownership and (or) owner (tenant).) such filling stations and (or) oil product depots.

10. The provisions of part one of paragraph 3 and paragraph 4 of this article do not apply to the sale of petroleum products through commodity exchanges in accordance with the rules of exchange trading.

Footnote. Article 21 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated December 30, 2021 № 96-VII (see Article 2 for the procedure for enactment); dated 14.07.2022 № 141-VII (effective: from January 1, 2024 for wholesale suppliers of petroleum products owning bases of petroleum products and (or) tanks with a total volume of more than ten thousand cubic meters; from July 1, 2024 for wholesale suppliers of petroleum products owning bases of petroleum products and (or) tanks with a total volume of more than ten thousand cubic meters ; from July 1, 2024 for wholesale suppliers of petroleum products owning bases of petroleum products and (or) tanks with a total volume of the volume of the tank farm, equal to or less than ten thousand cubic meters); dated 30.12.2022 № 177-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 22. Conditions for the retail sale of petroleum products

Footnote. The title of Article 22 in the new wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Retail sale of petroleum products is allowed to producers of petroleum products, petroleum suppliers, importers, wholesale suppliers of petroleum products, as well as retailers of petroleum products.

Retail distributors of petroleum products that purchase petroleum products from petroleum product manufacturers, oil suppliers, wholesale suppliers of petroleum products and (or) importers, as well as from structural units of the authorized body in the field of the state material reserve (when releasing petroleum products from the state material reserve), are

obliged to sell petroleum products only to the final consumers, except for the case of the sale of petroleum products in the storage tanks of petroleum filling stations (with the exception of mobile filling stations) and (or) petroleum products depots, carried out by retail sellers of petroleum products in connection with the change of ownership and (or) owner (tenant) of such filling stations and (or) bases of oil products.

It shall be allowed to sell (ship) petroleum products by the owner of a filling station of any kind under an agency agreement in the interests of petroleum products seller.

The obligation to issue, send, confirm, reject, withdraw, return and cancel the accompanying invoices for goods in this case rests with the authorizer.

2. Retail sale of petroleum products from container-type filling stations is allowed in settlements with a population of up to ten thousand people.

Retail sale of petroleum products from mobile filling stations is allowed only in the following cases:

on agricultural lands in places of agricultural machinery concentration for field work; when refueling sea, inland waterway or air transport.

3. The use of filling stations for the storage and (or) retail sale of oil products by at the same time two or more persons engaged in the retail sale of oil products shall be prohibited.

4. Is excluded by the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 05.01.2021 № 407-VI (effective from 01.01.2020); dated December 30, 2021 № 96-VII (shall be enforced from January 1, 2018).

Article 23. Monitoring of manufacturing and oil products sales

1. An authorized body in the scope of oil products manufacturing shall carry out the monitoring, which shall include:

1) the monitoring of volumes of the oil products by their types, manufactured in the Republic of Kazakhstan;

2) the monitoring of oil products sales in the Republic of Kazakhstan, including export and import of oil products;

3) the monitoring of the wholesale and retail prices for oil products, manufactured in the Republic of Kazakhstan;

3-1) the monitoring of volumes of petroleum products at oil depots located in the Republic of Kazakhstan;

4) the monitoring of the oil products demands of the oblasts, cities of republican significance and capital.

2. Local executive authorities of regions, cities of republican significance and capital shall annually present the consumption forecast of the oil products to authorized agency in the scope of oil products manufacturing.

3. Wholesale suppliers of oil products shall present information about oil products sales, including the oil products, imported in the territory of the Republic of Kazakhstan to authorized body in the scope of oil products manufacturing.

4. On the basis of monitoring data of manufacturing and oil products sales, an authorized body in the scope of oil products manufacturing shall:

1) perform a forecast of the balance of consumption, manufacturing and sales of oil products on the territory of the Republic of Kazakhstan for the calendar year ahead;

2) confirm the oil refining plans;

3) confirm the delivery schedule of the crude oil and (or) gas condensate for subsoil users to the oil products manufacturing for meeting requirements of the local market of the Republic of Kazakhstan;

4) confirm the delivery plans of oil products;

5) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

6) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

5. Owners of oil depots shall provide information to the authorized body in the field of manufacturing petroleum products on the receipt, shipment and storage of petroleum products

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 06.03.2013 № 81-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24. Specialties of state regulation of turnover of oil products, linked with supplying of agricultural producers by oil products in the periods of spring farm and harvest works and heating supply companies in a heating season

1. Jointly with local executive bodies of oblasts, an authorized body in the scope of agro-industrial complex development shall annually submit a proposal on the volume of delivery of the oil products for agricultural producers to authorized body in the scope of oil products manufacturing for accounting of these volumes in oil refining plans, in recognition of expected scope of agricultural works.

2. An authorized body in the scope of oil products manufacturing shall consider the volumes of oil products, required for supplying of agricultural producers in the oil refining plans.

3. An authorized body in the scope of oil products manufacturing shall consider the volumes of oil products in oil refining plans, presented by local executive bodies of oblasts, cities of republican significance and capital, required for supplying of heating supply companies for a heating season in the year ahead.

4. Individuals engaged in the retail sale of petroleum products are obliged to give preference to agricultural producers in selling petroleum products every year from 1 March to 31 May and from 1 August to 31 October and to heating supply companies - from 31 October to 1 March.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 09.04.2016 № 500-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 25. Liability for the breach of legislation of the Republic of Kazakhstan on state regulation of manufacturing and turnover of specific types of petroleum products

The breach of the legislation of the Republic of Kazakhstan on state regulation of manufacturing and turnover of specific types of petroleum products entails liability established by the laws of the Republic of Kazakhstan.

Footnote. Article 25 in the new wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016).

Article 26. The order of enforcement of this Law

1. This Law shall enter into force upon expiry of ten calendar days after its first official publication, with the exception of:

1) paragraph 1, subparagraph 1) of paragraph 2, paragraphs 3, 4, 5, 6, 7, 8 and 9 of Article 17 and part one of paragraph 1 of Article 21, which shall enter into force upon expiry of six months after its first official publication;

2) Subparagraphs 6) and 7) of Paragraph 3 of Article 12 and Subparagraph 1) of Paragraph 3 of article 19 which shall go into effect from January 1, 2017 for wholesale suppliers of oil products, importers, suppliers of oil - from January 1, 2019;

3) subparagraph 2) of paragraph 3 of Article 19, which shall be enforced:

from January 1, 2019 - for gas stations located in the capital, cities of republican, regional and district significance;

from January 1, 2021 - for gas stations not specified in the second paragraph of this subparagraph.

2. The words “control metering instruments” shall be considered as the words “measuring instruments ensuring accounting of oil products” till January 1, 2015 in subparagraph 26) of Article 1 of this Law.

3. The words “identification number” shall be considered as “tax registration number” till 1 January, 2013 in the part two of paragraph 3 of Article 16 of this Law.

4. The Law of the Republic of Kazakhstan dated April 7, 2003 “On state regulation of manufacturing and turnover of oil products” (The Bulletin of the Parliament of the Republic

of Kazakhstan, 2003, № 6, Article 33; 2004, № 23, Article 142; 2006, № 15, Article 95; № 24, Article 148; 2007, № 19, Article 148; 2010, № 20-21, Article 119; № 22, Article 128) shall be declared to be no longer in force.

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 № 538-IV (shall be enforced from 01.01.2012); No 257 dated 28.11.2014 (shall be enforced from 01.01.2015); No 500-V dated 09.04.2016 (shall be enforced from 01.01.2016); dated 27.12.2017 № 126-VI (shall be enforced from 01.01.2018).

*The President of
the Republic of Kazakhstan*

N. Nazarbayev

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