



On the innovation cluster "Park of innovation technologies"

Unofficial translation

The Law of the Republic of Kazakhstan dated 10 June, 2014 No. 207-V.

Unofficial translation

This Law shall determine the legal status of innovation cluster "Park of innovation technologies" and specifics of the management of special economic zone "Park of innovation technologies".

Chapter 1. General provisions

Article 1. The basic definitions used in the present Law

The following basic concepts shall be used in this Law:

1) an autonomous cluster fund (hereinafter - the Fund) - a non-profit organization created by the Government of the Republic of Kazakhstan and performing the functions provided for by the legislation of the Republic of Kazakhstan;

2) special economic zone "Park of innovative technologies" - a special economic zone in the field of information, communication and innovative technologies, created in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones;

3) innovation cluster "Park of innovation technologies" (hereinafter - Innovation cluster) - association of participants in an innovation cluster designed to stimulate industrial innovation activities through interaction and sharing of available opportunities, exchange of knowledge and experience, conducting researches, effective technology transfer, developing sustainable partnership and distribution of information;

4) the project of the participant of the Innovation cluster "Park of innovation technologies" (hereinafter - the participant's project) - a set of measures aimed at creating new or improved productions, technologies, goods, works and services that are realized within a certain period of time;

5) the Center for Technological Development - a center promoting the development and creation of innovative technologies, as well as training in the improvement of production technologies, including its content and implementation;

6) transnational corporation - a legal entity (an aggregate of legal entities), consisting of the main organization and branches, subsidiaries on the territories of several countries;

7) foreign investment fund - a legal entity - non-resident, whose exclusive type of activity is accumulation and investment of subjects of industrial - innovation activity in the Republic of Kazakhstan.

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 17.11.2015 № 407-V (shall be enforced from 01.01.2016); or 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2021 No. 87-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on Innovation Cluster

1. Legislation of the Republic of Kazakhstan on innovation cluster shall be based on the Constitution of the Republic of Kazakhstan, shall consist of this Law and other normative legal acts of the Republic of Kazakhstan.

2. The legislation of the Republic of Kazakhstan in the field of state support for industrial and innovative activities, on special economic and industrial zones, shall apply to the innovation cluster and the Fund to the extent not regulated by this Law.

3. If an international agreement ratified by the Republic of Kazakhstan shall establish other rules than those contained in this Law, the rules of the international treaty shall apply.

Footnote. Article 2 c as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 3. The purpose of creating and operating an innovation cluster

An innovation cluster has been created and shall function to accelerate the development of new technologies, further improvement of organizational, economic and social conditions for conducting research, developing new technologies, and assisting in their commercialization.

Article 4. Principles of the innovation cluster activity

The activity of the innovation cluster shall be based on the following principles:

- 1) integration of science, education and production;
- 2) the priority of financing projects of participants aimed at increasing the competitiveness of national economy;
- 3) economic efficiency and effectiveness of supporting the activities of participants in the innovation cluster;
- 4) development of priority directions of fundamental and applied scientific research;
- 5) objectiveness and independence of the expertise of the participants' projects financed by the Fund;
- 6) development of international cooperation;
- 7) stimulating the commercialization of technologies in priority sectors of economy.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 2. LEGAL STATUS OF THE INNOVATION CLUSTER

Article 5. Management of the innovation cluster

1. Management of the innovation cluster shall be carried out by the Board of Trustees of the innovation cluster, which shall be established by the decision of the Government of the Republic of Kazakhstan in order to develop and maintain the innovation cluster.

2. The position and structure of the Board of Trustees of the innovation cluster shall be approved by the Government of the Republic of Kazakhstan.

3. The Prime Minister of the Republic of Kazakhstan shall be the Chairman of the Board of Trustees of the innovation Cluster.

Footnote. Article 5 in the new wording of the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 6. The Board of Trustees of the Innovation Cluster

The functions of the Board of Trustees of the innovation cluster shall include:

1) definition of strategic tasks for the development of an innovation cluster;

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

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

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

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

6) other functions stipulated by this Law and the Regulation on the Board of Trustees of the innovation cluster.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).

Article 7. Participants of the Innovation Cluster

1. Participants of the innovation cluster shall carry out their activities to achieve the strategic objectives defined by the Board of Trustees of the innovation cluster.

2. Participants in the innovation cluster shall be:

1) participants in the special economic zone "Park of Innovative Technologies" included in the single register of participants in the special economic zone, including participants in the special economic zone in the field of information, communication and innovative technologies, operating outside the territory of the special economic zone in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones;

2) legal entities with the status of scientific organizations, joint-stock investment funds of risky investment, educational organizations, technology parks, industry design bureaus, technology commercialization centers, national development institutes, national management holdings, national holdings, national companies included in the list of participants of the innovation cluster by the Board of Trustees;

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

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

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); or 17.11.2015 № 407-V (shall be enforced from 01.01.2016); or 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 3. FEATURES OF MANAGEMENT OF SPECIAL ECONOMIC ZONE "PARK OF INNOVATIVE TECHNOLOGIES" AND THE FUND

Footnote. The title of chapter 3 as amended by the Law of the Republic of Kazakhstan dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 8. Management of special economic zone "Park of Innovative Technologies"

The special economic zone "Park of Innovative Technologies" shall be managed by the management company, which is determined by the local executive body of the city of republican significance.

Management of the special economic zone "Park of Innovative Technologies" shall be carried out in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones.

Footnote. Article 8 shall be in the wording of the Law of the Republic of Kazakhstan dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 8-1. Functions of the Fund

The functions of the Fund shall include:

- 1) financing of projects of participants in the innovation cluster;
- 2) development of proposals for development of cooperation of participants in the innovation cluster with foreign partners;
- 3) the search for potential investors for implementation of projects of participants in the innovation cluster;
- 4) participation in the creation, management and coordination of joint ventures in the form of technological development centers with transnational corporations;
- 5) participation in foreign investment funds;
- 6) other functions provided for by the legislation of the Republic of Kazakhstan.

Footnote. Chapter 3 shall be supplemented by Article 8-1 in accordance with the Law of the Republic of Kazakhstan dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 9. Management bodies of the Fund

1. The highest management body of the Fund is the Management Committee. The Chairman of the Management Committee is the Prime Minister of the Republic of Kazakhstan.

Regulations on the Management Committee, as well as its structure shall be approved by the Chairman of the Management Committee.

2. The exclusive competence of the Management Committee shall include:

- 1) introduction of amendments and additions to the Fund Charter;
- 2) approval of annual and medium-term budgets of the Fund;
- 3) approval of the procurement rules of the Fund for goods, works, services;
- 4) determination of the audit organization performing the external audit of the Fund;
- 5) other authorities in accordance with this Law and the Charter of the Fund.

3. The Steering Committee includes representatives of the founder, teachers, researchers, and representatives of public associations, as well as other persons.

The activities of the Management Committee shall be provided by the authorized body in the field of informatization.

4. The current activity of the Fund shall be managed by its executive body, which may be collegial or sole.

The executive body of the Fund shall act on the basis of and pursuant to decisions of the Management Committee and the authorized body in the field of informatization.

The structure and competence of the executive body of the Fund shall be determined by the charter of the Fund.

The authorized body in the field of informatization shall:

1) determine the quantitative composition, terms of office of the head and members of the executive body of the Fund;

2) elect the head and members of the executive body of the Fund, and also prematurely terminate the powers of the head and members of the executive body of the Fund.

5. The Fund's executive body shall be liable to the Fund for harm caused by actions and (or) inaction in accordance with the laws of the Republic of Kazakhstan,

6. Other bodies may be established in the Fund in accordance with its Charter.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated December 27, 2019 No. 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 10. The Property of the Fund

1. The Fund's assets shall be formed by:

1) voluntary property contributions and donations;

2) money directed by a subsoil user in the framework of fulfilling the obligation to annually financing of research, scientific and technical works and (or) projects of participants in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use;

3) receipts (income) from the sale of goods, works and services in cases established by the legislation of the Republic of Kazakhstan;

4) dividends (income, remuneration (interest) received on shares, bonds, other securities and deposits;

4-1) targeted transfer from the budget;

5) other sources not prohibited by the laws of the Republic of Kazakhstan.

2. Excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 No.101-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

2-1. The Fund shall determine the projects of participants for their financing at the expense of their own property following the results of the expertise.

3. The money received by the Fund from a subsoil user in accordance with subparagraph 2) of paragraph 1 of this article shall be used exclusively to finance the projects of participants.

The Fund shall use not more than three percent of the amount of money directed by subsoil users in accordance with subparagraph 2) of paragraph 1 of this article for the performance of its functions.

At the same time, the Fund shall:

1) open a bank account for sending money;

2) be obliged to keep an accounting of the money sent by subsoil users to the Fund separately for each subsoil user, as well as accounting for the use of money to finance the projects of the participants.

A subsoil user who has sent money in accordance with subparagraph 2) of paragraph 1 of this article shall have the pre-emptive right before other persons to purchase a security document obtained by the results of the participant's project, in proportion to the share of its financing in the actual cost of such a project.

3-1. The target transfer received by the Fund from the budget in accordance with subparagraph 4-1) of paragraph 1 of this article shall be used for the purposes of:

1) creation of joint ventures in the form of a center for technological development with the participation of transnational corporations in co-financing the Fund in the amount of up to fifty percent of the authorized capital of the joint venture;

2) the Fund's equity participation in foreign investment funds.

4. The property of the Fund, formed in accordance with this article, shall belong to it on the basis of ownership.

5. The Fund shall use the property formed in accordance with subparagraphs 1), 3), 4) and 5) of paragraph 1 of this article to ensure the operation, functioning and development of special economic zone "Park of innovation technologies" and innovation cluster, as well as financing participants' projects.

6. The founder shall not have property rights to the assets of the Fund.

The founder shall not be responsible for the obligations of the Fund, and the Fund shall not be responsible for the obligations of the founder.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); or 17.11.2015 № 407-V (shall be enforced from 01.01.2016); dated 03.01.2022 No. 101-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 11. Reorganization, liquidation of the Fund

1. The Fund shall be a subject to reorganization, liquidation in accordance with the legislation of the Republic of Kazakhstan and the Charter of the Fund.

2. In the case of liquidation of the Fund, the property remaining after satisfaction of creditors' claims shall be transferred to the purposes indicated in the foundation documents of the Fund.

Chapter 14. FINAL AND TRANSITIONAL PROVISIONS

Article 12. Responsibility for violation of the legislation of the Republic of Kazakhstan on Innovation cluster

Violation of the legislation of the Republic of Kazakhstan on innovation cluster shall entail responsibility in accordance with the laws of the Republic of Kazakhstan.

Article 13. Transitional Provisions

1. The founder shall take a decision to establish the Fund by reorganizing the relevant legal entity with the participation of the state in the charter capital within six months from the date of introduction of this Law.

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

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 03.04.2019 No. 243-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 14. Order of enactment of this Law

This Law enters into force upon expiry of ten calendar days after the date of its first official publication.

The President of the Republic of Kazakhstan
NAZARBAYEV

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