

## **On National Bank of the Republic of Kazakhstan**

### *Unofficial translation*

The Law of the Republic of Kazakhstan, dated 30 March 1995, No. 2155.

#### *Unofficial translation*

Footnote. Title is in the new wording, the Preamble is excluded, throughout the text, the words “by the Decree”, “the Decree”, “the Decree” are replaced by the words “by the Law”, “the Law”, “the Law” - by the Law of the Republic of Kazakhstan, dated 2 March 2001, No. 162 (see Article 2).

In the text, after the word “Chapter” numbers “I – XIII” are replaced by the numbers “1 – 13” - by the Law of the Republic of Kazakhstan, dated 20 December 2004, No 13.

Throughout the text, the word “(interest)” is excluded - by the Law of the Republic of Kazakhstan, dated 8 July 2005, No 69.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Bank system of the Republic of Kazakhstan**

The Republic of Kazakhstan has a dual banking system.

The National Bank of the Republic of Kazakhstan (National Bank of Kazakhstan) is the Central Bank of the Republic of Kazakhstan and represents the top (first) level of the bank system of the Republic of Kazakhstan.

The National Bank of Kazakhstan shall represent the interests of the Republic of Kazakhstan in the relations with central banks and banks of other countries, in international banks and other financial and credit organizations within its competence.

The National Bank of Kazakhstan, in case of accomplishment of the tasks shall not be guided by the purpose of profit earning.

Types, a legal status, a procedure for creation, functioning and liquidation of second-tier banks are determined by the banking and other legislation of the Republic of Kazakhstan.

Footnote. The Article 1 – as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 5 December 1995, No. 2672; by the Law, dated 11 July 1997, No 154; by the Law of the Republic of Kazakhstan, dated 10 July 2003 No. 483; (shall be enforced from 1 January 2004).

### **Article 2. Status and legal basis of activities of the National Bank of Kazakhstan**

The National Bank of Kazakhstan is a state body that ensures the development and implementation of the monetary policy of the state, the functioning of payment systems,

carries out currency regulation and currency control, contributes to ensuring the stability of the financial system and conducts state statistics, as well as exercising, within its competence, state regulation, control and supervision of the financial market, financial organizations and other entities and in the field of financial legislation of the Republic of Kazakhstan.

The National Bank of Kazakhstan is governed by the Constitution of the Republic of Kazakhstan, this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan in its activities.

**Footnote.** The Article 2 is in the wording of the Law of the Republic of Kazakhstan, dated 28.12.2011 No. 524 – IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

### **Article 3. Accountability of the National Bank of Kazakhstan**

The National Bank of Kazakhstan is accountable to the President of the Republic of Kazakhstan.

The accountability to the President of the Republic of Kazakhstan means:

appointment of the Chairman of the National Bank of Kazakhstan by the President of the Republic of Kazakhstan with the consent of the Senate of Parliament of the Republic of Kazakhstan;

release him (her) from the position;

approval of the structure and total number of employees of the National Bank of Kazakhstan by the President of the Republic of Kazakhstan;

approval of the remuneration system for employees of the National Bank of Kazakhstan by the Executive Board of the National Bank of Kazakhstan in consultation with the President of the Republic of Kazakhstan;

approval of the structure and a total regular number, remuneration system of the National Bank of Kazakhstan by the President of the Republic of Kazakhstan;

approval of the Provision on the National Bank of Kazakhstan by the President of the Republic of Kazakhstan;

approval of the annual statement of the National Bank of Kazakhstan by the President of the Republic of Kazakhstan;

approval of the design concept of banknotes and coins of the national currency- the Kazakhstani tenge by the President of the Republic of Kazakhstan;

representation by the National Bank of Kazakhstan, of the information concerning its competence, requested by the President of the Republic of Kazakhstan.

**Footnote.** The Article 3 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 05.12.1995 No. 2672; as amended by the

Laws of the Republic of Kazakhstan, dated 29.06.1998 No. 236; dated 02.03.2001 No. 162 (See Article 2); dated 08.07.2005 No. 69; dated 29.04.2009 No. 154-IV (the order of enforcement, see Article 2); № 91-VI as of 11.07.2017 (shall be enforced ten days after its first official publication).

#### **Article 3-1. Strategic plan and memorandum of the National Bank of Kazakhstan**

1. The National Bank of Kazakhstan develops a strategic plan for a five-year period, in which it determines the strategic directions, goals and target indicators of the activities of the National Bank of Kazakhstan.

The strategic plan is approved by the Chairman of the National Bank of Kazakhstan in agreement with the President of the Republic of Kazakhstan or by his authorization by the Head of the Administration of the President of the Republic of Kazakhstan.

2. The National Bank of Kazakhstan annually develops a memorandum for the next financial year containing key target indicators, the achievement (implementation) of which the Chairman of the National Bank of Kazakhstan undertakes to ensure in the planning period

The Memorandum is signed by the Chairman of the National Bank of Kazakhstan and approved by the President of the Republic of Kazakhstan or, on his authority, by the Head of the Administration of the President of the Republic of Kazakhstan.

At the end of the year, the National Bank of Kazakhstan submits a report on the implementation of the memorandum to the Administration of the President of the Republic of Kazakhstan by February 20 following the reporting year.

**Footnote. Chapter 1 is supplemented by Article 3-1 in accordance with the Law of the Republic of Kazakhstan dated 02.01.2021 No. 399-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 4. Regulatory legal acts of the National Bank of Kazakhstan**

The National Bank of Kazakhstan, on the basis of and in pursuance of the laws of the Republic of Kazakhstan on issues within its competence, issues regulatory legal acts binding on financial organizations, branches of banks - non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations - non-residents of the Republic of Kazakhstan, branches of insurance brokers - non-residents of the Republic of Kazakhstan, other individuals and legal entities in the territory of the Republic of Kazakhstan.

Regulatory legal acts of the National Bank of Kazakhstan shall be published in the official publications – “Kazakhstan Ulttyk Bankinin Khabarshysynda” and “Bulletin of the National Bank of the Republic of Kazakhstan” in Kazakh and Russian languages.

**Footnote. Article 4, as amended by the Laws of the Republic of Kazakhstan dated 11.07.1997 No. 154; dated 10.07.2003 No. 483 (shall be enforced from 01.01.2004); dated**

05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (see Article 2 for the order of entry into force).

**The Article 5 (is excluded by the Law of the Republic of Kazakhstan dated 11 July 1997, No. 154)**

## **Article 6. The National Bank of Kazakhstan as a legal entity**

The National Bank of Kazakhstan is a legal entity in organizational legal form of a republican state institution and has an independent balance sheet, and it shall comprise a single structure together with its branches, representative offices, and organizations.

The National Bank of Kazakhstan acts on behalf of the Republic of Kazakhstan as the founder of joint stock companies and limited liability partnerships, and participates in the activities of organizations, as well as contributing the implementation of the functions of the National Bank of Kazakhstan, and (or) is the part of the financial market infrastructure.

The National Bank of Kazakhstan can open its branches and representative offices in the Republic of Kazakhstan and abroad.

**Footnote.** The Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-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 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

## **Chapter 2. Main goal, objectives, functions and powers of the National Bank of Kazakhstan**

**Footnote.** Title is in the new wording of the Law of the Republic of Kazakhstan dated 10 July 2003 No. 483 (shall be enforced from 1 January 2004).

## **Article 7. Main goal and objectives of the National Bank of Kazakhstan**

The main goal of the National Bank of Kazakhstan is to ensure the price stability in the Republic of Kazakhstan.

To accomplish the main goal, the National Bank of Kazakhstan shall be assigned the following objectives:

- 1) development and implementation the state's monetary policy;
- 2) ensuring the functioning of payment systems;
- 3) implementation of currency regulation and control;
- 4) promoting the stability of the financial system;

**5) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);**

**6) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);**

7) implementation of statistical activities in the field of monetary statistics, financial market statistics and statistics of the external sector;

8) other objectives in accordance with the laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. The Article 7 is in wording of the Law of the Republic of Kazakhstan dated 10.07.2003 No. 483 (shall be enforced from 01.01.2004); as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

## **Article 8. Functions and powers of the National Bank of Kazakhstan**

The National Bank of Kazakhstan shall:

- 1) develop and implement the state monetary policy of the Republic of Kazakhstan;
- 2) issue the state equity securities;
- 3) be the sole issuer of banknotes and coins of the national currency of the Republic of Kazakhstan and organizes a cash circulation in the territory of the Republic of Kazakhstan;
- 4) participate in providing transportation, storage and collection of banknotes, coins and values, create the reserve state funds of banknotes, coins and valuables;
- 5) exercise control and supervision over compliance with the requirements for the arrangement of premises by legal entities operating exclusively through exchange offices on the basis of a license of the National Bank of Kazakhstan for exchange operations with foreign currency in cash, and legal entities whose exclusive activity is the collection of banknotes, coins and valuables;
- 6) regulate and supervise (oversight) for the inter-bank money transfer system, a system of inter-bank clearing and other payment systems, which provide conducting of money transfers between users in Kazakhstani tenge;
- 7) in order to streamline payments and money transfers, establishes, in agreement with the Government of the Republic of Kazakhstan, the order of payments on bank accounts carried out by banks, organizations engaged in certain types of banking operations, branches of non-resident banks of the Republic of Kazakhstan and business entities, unless otherwise provided by the laws of the Republic Kazakhstan;
- 8) carry out the currency regulation and currency control in the Republic of Kazakhstan;
- 8-1) establish qualification requirements for legal entities whose exclusive activity is the collection of banknotes, coins and valuables, which include requirements for the legal form, requirements for founders (participants), including disclosure of the sources of origin of their contributions to the charter capital, requirements for the size and procedure for the formation of the authorized capital, as well as premises, technical means, equipment and employees of legal entities whose exclusive activity is the collection of banknotes, coins and valuables;
- 9) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten days after its first official publication);
- 10) provide the management of assets in foreign currency and precious metals;

11) implement a priority right of the state to purchase refined gold to replenish assets in precious metals;

12) carry out in the cases, stipulated by the legislation of the Republic of Kazakhstan, routine tests of purity (samples) of precious metals and raw materials, containing precious metals;

12-1) store and test precious metals, except for precious metal products, and assays (samples) of commodities containing precious metals owned by financial institutions, other persons entitled to export and import precious metals and commodities containing precious metals;

12-2) carry out the transportation, reception, registration, storage of precious metals, precious stones and products, made of them that are converted (entered) into state property on certain grounds, in cases provided by the legislation of the Republic of Kazakhstan;

13) carry out the regulation of system risks independently and (or) in partnership with other state bodies of the Republic of Kazakhstan within their competence;

14) provides loans in the manner and under the conditions provided for by this Law and the legal acts of the National Bank of Kazakhstan, loans of last instance in the manner and under the conditions provided for by this Law and the joint regulatory legal act of the National Bank of Kazakhstan and the authorized body for regulation, control and supervision of financial market and financial organizations;

15) participates in the regulation of the external debt of financial institutions;

16) develops statistical methodology and determines the list, forms, terms and procedure for submitting primary statistical data on cash circulation, monetary statistics and financial market statistics, balance of payments, external debt, international investment position, financial stability;

17) conduct departmental statistical survey in accordance with the statistical work plan, and also, within its competence, exercise control in the field of state statistics;

18) generates and disseminates statistical information on the financial market review, monetary and financial market statistics, balance of payments, international investment position and external debt, participates in the development of forecast estimates of the balance of payments;

18-1) collects and processes administrative data on issues of currency regulation, monetary statistics and financial market statistics, cash circulation, payments and payment systems, financial stability, regulation, control and supervision of financial organizations and their affiliates, bank branches - non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) companies-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan, organizations that guarantee insurance payments, credit bureaus and collection agencies

19) carries out, within the competence, regulation of the financial market and financial organizations, branches of banks - non-residents of the Republic of Kazakhstan, branches of



insurance (reinsurance) organizations - non-residents of the Republic of Kazakhstan, branches of insurance brokers - non-residents of the Republic of Kazakhstan and other persons, as well as control and supervision of the financial market and financial organizations, branches of banks - non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations - non-residents of the Republic of Kazakhstan, branches of insurance brokers - non-residents of the Republic of Kazakhstan and in the field of financial legislation of the Republic of Kazakhstan in accordance with this Law, the Law of the Republic of Kazakhstan "On state regulation, control and supervision of the financial market and financial organizations" and other laws of the Republic of Kazakhstan;

20) issues (refuses to issue), reissues, suspends, revokes licenses:

for exchange operations with foreign currency in cash - to legal entities operating exclusively through exchange offices;

for collection of banknotes, coins and valuables - to legal entities whose exclusive activity is the collection of banknotes, coins and valuables;

21) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

21-1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

22) is excluded by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016);

22-1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

23) determine the policy and methods of accounting for the National Bank of Kazakhstan in accordance with international financial reporting standards;

24) exercise control and supervision over compliance by legal entities operating exclusively through exchange offices on the basis of a license from the National Bank of Kazakhstan for exchange operations with foreign currency in cash, the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting, the rules for automating accounting, as well as requirements of the legislation of the Republic of Kazakhstan on currency regulation and currency control;

24-1) within the competence, participates in audits of the activities of the audited entities conducted by the authorized body for regulation, control and supervision of the financial market and financial organizations;

24-2) exercise control over compliance by legal entities operating exclusively through exchange offices based on a license from the National Bank of Kazakhstan for exchange operations with foreign currency in cash, and by payment organizations of the requirements of the legislation of the Republic of Kazakhstan on countering the legalization (laundering) of proceeds from crime, and financing of terrorism in terms of recording, storing and providing information on transactions with money and (or) another property subject to financial

monitoring, due diligence of clients (their representatives) and beneficial owners, suspension and refusal to conduct transactions subject to financial monitoring, document protection received in the course of its activities, as well as the organization and implementation of internal control in accordance with the legislation of the Republic of Kazakhstan;

25) participate in servicing the state debt of the Government of the Republic of Kazakhstan in agreement with the latter and serve the state debt of the National Bank of Kazakhstan;

26) establish and publish the official exchange rate of the national currency of the Republic of Kazakhstan to foreign currencies according to the list and the order, determined by the Board of the National Bank of Kazakhstan;

27) monitor contracts for non-state foreign loans;

28) monitor the sources of supply and demand, as well as the uses of foreign currency on the domestic market;

29) carry out a banking activity without necessity to obtain corresponding licenses, professional activity in the securities market and other activity as defined by the Laws of the Republic of Kazakhstan;

30) carry out a banking service of customers of the National Bank of Kazakhstan;

31) carry out as trustee for the National Fund of the Republic of Kazakhstan on the basis of the trust management agreement, which is between the National Bank of Kazakhstan and the Government of the Republic of Kazakhstan and shall be published in official publications;

32) serves as a trustee of assets on the basis of the trust management agreement, concluded by the National Bank of Kazakhstan and the Government of the Republic of Kazakhstan or legal entities. The trust management agreements, concluded between the National Bank of Kazakhstan and the Government of the Republic of Kazakhstan shall be published in official publications;

32-1) carry out the trust management of the pension assets of uniform pension savings fund under a trust management agreement, concluded between the National Bank of Kazakhstan and uniform pension savings fund;

32-2) carry out the functions of a custodian in respect of pension assets of uniform pension savings fund;

33) provide, upon the request of the authorized body for financial monitoring, data from its own information systems in accordance with the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and the financing of terrorism;

34) participates in the training and retraining of personnel for state bodies and financial organizations, branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan;



35) applies, on issues within its competence, limited enforcement measures to residents and non-residents carrying out currency transactions and not being financial institutions, payment system operators, payment system operating centers, as well as payment service providers that are not banks, bank branches - non-residents of the Republic of Kazakhstan and organizations engaged in certain types of banking operations, supervisory response measures to legal entities operating exclusively through exchange offices on the basis of a license from the National Bank of Kazakhstan for exchange operations with foreign currency in cash, and legal entities whose exclusive activity is the collection of banknotes, coins and valuables, as well as sanctions and other measures provided for by the laws of the Republic of Kazakhstan;

35-1) introduces a special regulatory regime in relation to payment institutions and (or) other legal entities that are not financial institutions, in order to carry out activities related to payment services, and regulates their activities within the competence;

36) carry out procurement of goods, works and services in the manner, specified by regulatory legal acts of the National Bank of Kazakhstan;

37) set, cancel and define the use of bank identification codes, assign and revoke codes of banks and organizations, engaged in certain types of banking operations, and codes of branches of banks and organizations, engaged in certain types of banking operations, establish their structure, as well as develop and maintain the Directory of banks and organizations, engaged in certain types of banking operations;

**37-1) is excluded by Law of the Republic of Kazakhstan № 53-VI as of 13.03.2017 (shall be enforced ten days after its first official publication);**

38) establish consultative and advisory bodies of the National Bank of Kazakhstan;

38-1) provide information on subjects of a credit history to a credit bureau partially owned by the government in order to ensure the completeness of information contained in the database of credit histories;

38-2) within the competence, cooperates with central banks, control and supervisory bodies of other states, international and other organizations and has the right to exchange information confidentially constituting a trade secret on the securities market, bank secrets, insurance secrets or other secrets protected by law, necessary for the implementation of control and supervisory functions, on the basis and in accordance with the international agreement of the Republic of Kazakhstan, the agreement providing for the exchange of confidential information.

Other organizations specified in part one of this subparagraph are the associations of central banks, control and supervisory bodies of other states, created with the aim of developing uniform standards for regulating the activities of the banking sector, the securities market and the insurance market;

39) carry out other functions and powers under this Law, other laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 8 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-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 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 206-V as of 10.06.2014 (shall be enforced ten days after its first official publication); № 311-V as of 27.04.2015 (see the enforcement procedure in Article 2); No. 422-V dated November 24, 2015 (see Article 2 for the order of entry into force); № 12-VI as of 26.07.2016 (shall be enforced thirty days after its first official publication); № 53-VI as of 13.03.2017 (shall be enforced ten days after its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten days after its first official publication); № 168-VI as of 02.07.2018 (see the enforcement procedure in Article 2); No. 262-VI dated July 3, 2019 (see Article 2 for the entry into force); dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021); dated 01.07.2022 No. 131-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 12.07.2022 No. 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

### **Chapter 3. Capital and reserves of the National Bank of Kazakhstan**

Footnote. Title of the Chapter is in the wording of the Law of the Republic of Kazakhstan, dated 16 July 1999 No. 436.

#### **Article 9. Charter capital of the National Bank of Kazakhstan**

The charter capital of the National Bank of Kazakhstan belongs to the state and shall be created in an amount not less than 20 billion Kazakhstani tenge by payments from undivided net income.

The National Bank of Kazakhstan shall independently exercise the rights of possession, use, and disposition of property on its balance sheet on behalf of the Republic of Kazakhstan, in accordance with the procedure, established by the regulatory legal acts of the National Bank of Kazakhstan.

Footnote. Article 9, as amended by the Laws of the Republic of Kazakhstan, dated 11 July, 1997 No. 154; dated 29 June, 1998 No. 236; dated 16 July 1999 No. 436; dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 8 July, 2005 No. 69; dated 5 July 2006 No. 165 (the order of enforcement see Article 2); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

#### **Article 10. Reserve capital, revaluation and provision (reserves) accounts of the National Bank of Kazakhstan**

Footnote. Title is in the new wording of the Law of the Republic of Kazakhstan dated № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).

Reserve capital of the National Bank of Kazakhstan shall be formed in the amount not less than the charter capital; it shall be replenished out of net income, and shall be intended solely to provide compensation of losses and reimbursement of losses on operations, performed in compliance with procedure, established by the Executive Board of the National Bank of Kazakhstan. The revaluation account of gold and foreign currency reserves and other assets in foreign currency is intended for the accounting of revenue from their revaluation. The revaluation account for fixed assets shall be intended for recording the results of indexing of fixed assets of the National Bank of Kazakhstan.

Provisions (reserves) for doubtful and bad claims, including loans, deposits, securities, settlement-related losses, account balances and other assets, including volumes of works on construction in progress, other requirements for non-monetary activities of the National Bank of Kazakhstan and social payments are created at the expense of the National Bank of Kazakhstan.

Footnote. Article 10 is in the wording of the Law dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).

#### **Article 11. Income of the National Bank of Kazakhstan**

Net income of the National Bank of Kazakhstan for a financial year shall be defined as the difference between actually received income and costs charged to the given financial year.

Undivided net income of the National Bank of Kazakhstan is the net income of the National Bank of Kazakhstan, except to the exchange rate revaluation, relevant to the revaluation of gold reserves and other foreign currency assets, adjusted for the revaluation of fixed assets and intangible assets. Undivided net income shall be intended to increase a reserve and charter capitals in the amount, established by the Board of the National Bank of the Republic of Kazakhstan.

After the approval of the annual report of the National Bank of Kazakhstan by the President of the Republic of Kazakhstan, the remaining undistributed net income shall be transferred to the state budget with a one financial year grace period.

This version of part four is in force until 01.01.2023 in accordance with Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (see the suspended version in the archival version of Law of the Republic of Kazakhstan “On the National Bank of the Republic of Kazakhstan” as of 24.05.2018).

In case, if the amount of reserve capital is less than the amount of the charter capital, the entire undivided net income remains in possession of the National Bank of Kazakhstan and shall be addressed to the replenishment of the reserve capital until it reaches the size of

charter capital. If funds of the capital reserve are insufficient to compensate losses of the financial year, the accumulated losses shall be compensated by the National Bank of Kazakhstan in full at the expense of the state budget with a one financial year grace period.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan, dated 10.07.2003 No. 483 (shall be enforced from 01.01.2004); as amended by the Law of the Republic of Kazakhstan, dated 08.07.2005.No. 69; dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Chapter 4. Structure and bodies of the National Bank of Kazakhstan. The order of their formation and competence**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan, dated 16 July 1999, No. 436.

#### **Article 12. Structure and bodies of the National Bank of Kazakhstan**

The National Bank of Kazakhstan shall hold out a single centralized structure with a vertical administrative system.

The bodies of the National Bank of Kazakhstan are the Management Board, the Monetary Policy Committee and the Board of Directors.

The structure of the National Bank of Kazakhstan shall include the central administration, consisting of departments and other subdivisions, branch offices, representative offices, agencies and organizations.

Footnote. Part 3 is excluded by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 27 January 1996, No. 2830; as amended by the Laws of the Republic of Kazakhstan, dated 11.07.1997 No. 154; dated 16.07.1999 No. 436; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021).

#### **Article 13. Chairman of the National Bank of Kazakhstan**

The Chairman of the National Bank of Kazakhstan shall be appointed by the President of the Republic of Kazakhstan with the approval of the Senate of the Parliament for a term of 6 years.

The Chairman shall act on behalf of and represents the National Bank of Kazakhstan without a power of attorney in relations with state bodies, banks, financial, international, foreign, and other organizations.

The Chairman of the National Bank of Kazakhstan shall have the power to adopt operative, executive and administrative decisions concerning the activities of the National Bank of Kazakhstan, with the exception of powers, warranted by this Law to the Executive

Board of the National Bank of Kazakhstan and to conclude agreements on behalf of the National Bank of Kazakhstan.

The Chairman of the National Bank of Kazakhstan shall bear responsibility for the operation of the National Bank of Kazakhstan.

**Footnote.** Article 13 as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 04.12.1995 No. 2672; dated 27.01.1996 No. 2830; by the Laws of the Republic of Kazakhstan, dated 11.07.1997 No. 154; dated 29.04.2009 No. 154-IV (the order of the enforcement, see Article 2).

#### **Article 14. Deputy Chairmen of the National Bank of Kazakhstan**

Deputy Chairmen of the National Bank of Kazakhstan shall be appointed by the President of the Republic of Kazakhstan upon the recommendation of the Chairman of the National Bank of Kazakhstan for a term of 6 years, regardless the terms of the appointment of the Chairman of the National Bank of the Republic of Kazakhstan.

Deputy Chairmen shall represent the National Bank of Kazakhstan without a power of attorney and shall sign documents within the limits of their authority.

#### **Article 15. Executive Board of the National Bank of Kazakhstan and its powers**

The Supreme body of the National Bank of Kazakhstan is the Executive Board.

The Executive Board of the National Bank of Kazakhstan shall approve:

1) the rules on minimum reserve requirements, which determine the structure of banks' liabilities taken to calculate the minimum reserve requirements, the procedure for calculating the minimum reserve requirements, meeting the minimum reserve requirements, reserving and monitoring the fulfillment of the minimum reserve requirements;

2) rules for setting the official exchange rate of the national currency of the Republic of Kazakhstan to foreign currencies according to the list determined by the Executive Board of the National Bank of Kazakhstan;

3) rules for exchanging banknotes and coins of the national currency of the Republic of Kazakhstan (being) taken out of circulation, as well as worn and damaged banknotes and coins of the national currency of the Republic of Kazakhstan;

4) rules for the sale and repurchase of banknotes and coins of the national currency of the Republic of Kazakhstan by the National Bank of Kazakhstan;

5) rules for making cash transactions with individuals and legal entities in the National Bank of Kazakhstan;

6) rules for determining whether banknotes and coins of the national currency of the Republic of Kazakhstan are fit for commerce;

7) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

8) rules for replacing current banknotes and coins of the national currency of the Republic of Kazakhstan in case of alteration of their design (form);

9) rules for taking cash out of circulation;

10) the rules for implementation of cash transactions and operations for the collection of banknotes, coins and valuables in second-tier banks, the National Post Operator and legal entities whose exclusive activity is the collection of banknotes, coins and valuables, in agreement with the authorized body for regulation, control and supervision of financial market and financial organizations;

10-1) together with the central authorized body for state planning, the maximum amounts of cash withdrawals by business entities from bank accounts, as well as business entities that are not subject to the requirement to withdraw cash from bank accounts;

10-2) together with the authorized body in charge of ensuring the receipt of taxes and other obligatory payments to the budget, and the authorized body for regulation, control and supervision of the financial market and financial organizations, the rules for the withdrawal of cash by business entities from bank accounts, which determine, including the conditions for the withdrawal of cash by business entities from bank accounts in excess of the established limits, as well as the procedure for submitting to the authorized body in charge of ensuring the receipt of taxes and other obligatory payments to the budget, and the authorized body for the regulation, control and supervision of financial market and financial organizations of data and information on the withdrawal of cash by business entities from bank accounts in excess of the established maximum amounts, including the forms, list and deadlines for their submission;

11) the rules for organizing the security and arrangement of premises of second-tier banks, the National Post Operator, legal entities whose exclusive activities are the collection of banknotes, coins and valuables, and legal entities operating exclusively through exchange offices on the basis of a license from the National Bank of Kazakhstan for exchange transactions with foreign currency in cash, in agreement with the relevant authorized bodies;

12) requirements for counting, sorting, packaging, storage of banknotes, coins and valuables, as well as their issuance to second-tier banks and their clients at the instruction of second-tier banks, carried out by legal entities whose exclusive activity is the collection of banknotes, coins and valuables;

13) the rules for issuing a license to legal entities, the exclusive activity of which is the collection of banknotes, coins and valuables, which establish the qualification requirements for legal entities, the exclusive activity of which is the collection of banknotes, coins and valuables, which include requirements for the legal form, requirements to the founders (participants), including disclosure of the sources of origin of their contributions to the authorized capital, requirements for the size and procedure for the formation of the authorized capital, as well as premises, technical means, equipment and employees of legal entities whose exclusive activity is the collection of banknotes, coins and valuables;



14) instruction on the organization of cash-in-transit services in the Republic of Kazakhstan;

15) rules for making transactions with foreign currency converted into state ownership on separate grounds in the National Bank of Kazakhstan;

16) rules for the functioning of the interbank money transfer system;

17) rules for the functioning of the interbank clearing system;

18) rules for the functioning of payment systems operated either by the National Bank of Kazakhstan or its subsidiary;

19) rules for the functioning of the interbank payment card system;

20) requirements for organizational measures and software and hardware that provide access to payment systems;

21) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

22) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

23) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

24) rules for using checks in the territory of the Republic of Kazakhstan;

25) rules for making transactions with documentary letters of credit by the banks of the Republic of Kazakhstan;

26) rules for discounting bills by second-tier banks of the Republic of Kazakhstan;

27) rules for making transactions with bills of exchange and promissory notes by second-tier banks and organizations carrying out certain types of banking operations;

28) rules for the issuance of payment cards, as well as requirements for the activity on servicing transactions with their use in the territory of the Republic of Kazakhstan;

29) rules for making interbank payments and (or) money transfers using payment cards in the Republic of Kazakhstan;

30) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

31) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

32) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

33) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

34) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

35) is excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 No. 168-VI (



shall be enforced upon expiry of ten calendar days from the date of its first official publication);

36) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

37) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

38) rules for conducting auctions, as part of its monetary policy, by the National Bank of Kazakhstan;

39) rules for transferring part of the gold and foreign currency assets of the National Bank of Kazakhstan into external management;

40) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

41) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

42) rules for issuing, using and cancelling electronic money, as well as requirements for issuers of electronic money and electronic money systems in the territory of the Republic of Kazakhstan;

43) requirements for the degrees of security of billhead paper produced in or imported into the territory of the Republic of Kazakhstan, as well as technical requirements for billhead paper;

44) rules for opening, maintaining and closing customer bank accounts;

45) is excluded by Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (shall be enforced ten calendar days after its first official publication);

46) is excluded by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication);

47) rules for applying economic sector and payment purpose codes;

48) together with the authorized body for regulation, control and supervision of the financial market and financial organizations, the rules on loans of last instance, provided by the National Bank of Kazakhstan;

49) rules for establishing correspondent banking relations between the National Bank of Kazakhstan and banks, as well as organizations carrying out certain types of banking operations;

50) the rules for establishing correspondent relations between banks, banks, branches of banks - non-residents of the Republic of Kazakhstan and organizations engaged in certain types of banking operations, as well as the establishment by banks of correspondent relations with banks - participants of the Astana International Financial Center;

51) the size of the limit of payments and money transfers on correspondent accounts of banks, branches of banks - non-residents of the Republic of Kazakhstan and organizations engaged in certain types of banking operations;

52) requirements for the design and content of a certificate of bank account's availability and number and an account statement;

52-1) rules for organizing the activity of payment institutions;

52-2) rules for providing information on payments and (or) money transfers by the operator or operating center of a systemically important or important payment system;

52-3) rules for making non-cash payments and (or) money transfers in the territory of the Republic of Kazakhstan;

52-4) rules for the provision by banks, branches of banks - non-residents of the Republic of Kazakhstan and organizations carrying out certain types of banking operations, electronic banking services;

52-5) rules for submitting information about payment services;

52-6) rules for maintaining the register of important payment service providers;

52-7) rules for maintaining the register of payment systems;

52-8) indicators of the criteria of important payment systems;

52-9) indicators to classify a payment service provider as an important payment service provider;

53) in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations, the rules for classifying financial organizations as systemically important;

54) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

55) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

56) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

57) is excluded by Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (shall be enforced from 01.07.2019);

57-1) rules for monitoring foreign exchange transactions in the Republic of Kazakhstan;

58) the rules for carrying out exchange operations with foreign currency in cash in the Republic of Kazakhstan;

59) rules for making currency transactions in the Republic of Kazakhstan;

59-1) rules for monitoring sources of supply and demand in the domestic foreign exchange market of the Republic of Kazakhstan;

60) rules for the export-import currency control in the Republic of Kazakhstan;

61) rules for submitting information by branches (representative offices) of foreign non-financial institutions operating in the Republic of Kazakhstan;

62) rules for banks' opening, maintaining and closing metal accounts;

63) regulatory legal acts on accounting issues, including standard charts of accounts, accounting instructions, rules for organizing accounting and rules for automating accounting,

mandatory for all financial institutions, branches of non-resident banks of the Republic of Kazakhstan, branches of insurance (reinsurance) companies-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan, the Development Bank of Kazakhstan;

64) financial reporting standards on issues not regulated by international financial reporting standards, as well as guidelines thereto;

65) the rules for the presentation of financial statements by financial organizations, and the presentation of statements according to accounting data by branches of banks - non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations - non-residents of the Republic of Kazakhstan, branches of insurance brokers - non-residents of the Republic of Kazakhstan, which determine the procedure for its presentation, including forms, the list, frequency and timing of its submission, in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations;

65-1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

65-2) the list, forms, terms and procedure for reporting by financial organizations and their major participants, bank holding companies, banking conglomerates, insurance holding companies, insurance group, Development Bank of Kazakhstan joint-stock company, branches of non-resident banks of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan, an organization that guarantees the implementation of insurance payments, a credit bureau and collection agencies in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations;

66) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

67) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

68) in agreement with the authorized body in charge of ensuring the receipt of taxes and other obligatory payments to the budget, the form and content of the control receipt of computer systems used by banks, branches of banks - non-residents of the Republic of Kazakhstan, branches of banks-non-residents of the Republic of Kazakhstan and organizations that carry out certain types of banking operations;

68-1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

69) regulatory legal acts on the collection of administrative data on issues of foreign exchange regulation, cash circulation, payments and payment systems, financial stability, regulation, control and supervision of financial organizations and their affiliates,

organizations guaranteeing insurance payments, credit bureaus, and collection agencies; agencies, branches of banks - non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) companies - non-residents of the Republic of Kazakhstan, branches of insurance brokers - non-residents of the Republic of Kazakhstan, the formation of monetary statistics and financial market statistics, including instructions for submission by second-tier banks, the Development Bank Kazakhstan, branches of banks - non-residents of the Republic of Kazakhstan and branches of insurance (reinsurance) companies - non-residents of the Republic of Kazakhstan and mortgage organizations to the National Bank of Kazakhstan information for the formation of an overview of the financial sector;

69-1) the rules for introduction and cancellation by the National Bank of Kazakhstan of a special regulatory regime, carrying out activities within the framework of a special regulatory regime by payment organizations and (or) other legal entities that are not financial institutions ;

69-2) selection criteria by the National Bank of Kazakhstan and the procedure for considering documents for concluding an agreement on implementation of activities under a special regulatory regime;

70) in consultation with the central authorized body for budget execution, the rules for making investment transactions of the National Fund of the Republic of Kazakhstan, as well as a report on the results of trust management of the National Fund of the Republic of Kazakhstan submitted to the Government of the Republic of Kazakhstan;

71) rules for converting or reconverting assets of the National Fund of the Republic of Kazakhstan;

72) rules for selecting external asset managers of the National Fund of the Republic of Kazakhstan;

73) rules for exercising the state's priority right to acquire fine gold to replenish assets in precious metals;

74) rules for appointing to a post and terminating an employment contract with employees of the National Bank of Kazakhstan and its departments;

75) rules for the acquisition of goods, works and services by the National Bank of Kazakhstan, its departments, organizations included in its structure, and legal entities, fifty or more percent of voting shares (stakes in the authorized capital) of which belong to the National Bank of Kazakhstan or are in its trust management, and legal entities affiliated with them;

76) the regulation on the internal audit unit, as well as the procedure for organizing and conducting internal audit at the National Bank of Kazakhstan;

77) instructions on the assignment, use and cancellation of bank identification codes by the National Bank of Kazakhstan, as well as the assignment and cancellation of codes of banks and organizations carrying out certain types of banking operations, and codes of branches of banks and organizations carrying out certain types of banking operations, their

structure, formation and maintaining the Directory of banks and organizations carrying out certain types of banking operations;

78) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

79) the rules for selection of investment portfolio managers who operate on the basis of a license from the authorized body for regulation, control and supervision of the financial market and financial organizations, including requirements for them, when instructing them to perform actions necessary to manage the pension assets of the unified accumulative pension fund;

80) rules for selecting foreign organizations managing pension assets of the unified accumulative pension fund, including the requirements thereto, when they are instructed to take actions required for the management of pension assets of the unified accumulative pension fund;

81) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

82) the regulations of the National Bank of Kazakhstan;

83) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

84) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

85) requirements for the security and continuity of work of information systems of banks and organizations carrying out certain types of banking operations;

86) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

86-1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

86-2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

86-3) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

87) is excluded by Law of the Republic of Kazakhstan № 53-VI as of 13.03.2017 (shall be enforced ten calendar days after its first official publication);

88) other regulatory legal acts of the National Bank of Kazakhstan in accordance with this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

The Executive Board of the National Bank of Kazakhstan shall:

1) approve the state monetary policy;

2) excluded by the Law of the Republic of Kazakhstan dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021);

2-1) sets inflation targets for the medium term;

3) set standards for minimum reserve requirements;

4) make decisions on the manufacture, issuance, withdrawal of banknotes and coins of the national currency of the Republic of Kazakhstan, also at the request of other countries, the replacement of banknotes and coins of the national currency of the Republic of Kazakhstan in case of alteration of their design or form, and also establish the procedure for exchanging worn and damaged banknotes and coins of the national currency of the Republic of Kazakhstan;

4-1) set the period of parallel circulation of banknotes and coins of the national currency of the Republic of Kazakhstan in case of alteration of their design (form);

5) determine the nominal value and design of banknotes and coins based on the concept approved by the President of the Republic of Kazakhstan;

6) determine the theme, mintage, alloy, timing and date of issue of collection and investment coins;

7) set the currency fluctuation band for the buying rate and the selling rate of foreign currency for tenge with regard to transactions made at exchange offices;

8) establish the amount and procedure for the formation of authorized capital for legal entities operating exclusively through exchange offices based on a license from the National Bank of Kazakhstan for exchange operations with foreign currency in cash, and legal entities whose exclusive activity is the collection of banknotes, coins and valuables;

9) determine the basic principles of asset management in foreign currency and precious metals, including their structure;

10) classify an activity as a monetary one;

11) determine the categories of legal entities served by the National Bank of Kazakhstan;

12) consider, approve and submit for approval by the President of the Republic of Kazakhstan the annual report on the work of the National Bank of Kazakhstan;

13) consider, approve and submit for approval to the President of the Republic of Kazakhstan the structure, the total number of employees of the National Bank of Kazakhstan and the Regulation on the National Bank of Kazakhstan, as well as alterations and additions thereto;

13-1) approve, in consultation with the President of the Republic of Kazakhstan, the remuneration system for employees of the National Bank of Kazakhstan;

14) approve the budget (cost estimate) of the National Bank of Kazakhstan;

15) consider and approve the annual consolidated financial statements of the National Bank of Kazakhstan;

16) approve the terms of remuneration of employees of the National Bank of Kazakhstan, its departments and organizations and the conditions of social security of employees of the National Bank of Kazakhstan and its departments;

17) appoint an official, who shall be at least a Deputy Chairman of the National Bank of Kazakhstan, entitled to make prompt decisions on trust management of the National Fund of the Republic of Kazakhstan (authorized representative);

17-1) approves the requirements for persons who are not employees of the National Bank of Kazakhstan to be included in the Monetary Policy Committee of the National Bank of Kazakhstan;

18) determine the procedure for applying limited enforcement measures to payment system operators, payment system operating centers, payment service providers that are not banks, branches of banks - non-residents of the Republic of Kazakhstan and organizations engaged in certain types of banking operations, supervisory response measures to legal entities operating exclusively through exchange offices on the basis of a license from the National Bank of Kazakhstan for exchange operations with foreign currency in cash, and to legal entities whose exclusive activity is the collection of banknotes, coins and valuables;

19) considers the issue of granting loans of last instance in the manner and on the terms provided for by this Law and the joint regulatory legal act of the National Bank of Kazakhstan and the authorized body for regulation, control and supervision of the financial market and financial organizations;

19-1) independently or jointly with the authorized body for regulation, control and supervision of the financial market and financial organizations, approves programs aimed at protecting the interests of consumers of financial services;

20) make decisions on the establishment of and participation in the activities of organizations, including those helping the National Bank of Kazakhstan perform functions assigned to it and (or) those that are part of the financial market infrastructure;

21) decide on the participation of the National Bank of Kazakhstan in international and other organizations in accordance with this Law;

21-1) makes a decision on introduction of a special regulatory regime within the competence;

21-2) approves a standard agreement on the implementation of activities under a special regulatory regime within the competence;

21-3) considers and approves the agreement on the implementation of activities within the framework of a special regulatory regime within the competence;

22) decide on the establishment of advisory bodies of the National Bank of Kazakhstan;

23) approve a medium-term audit plan and annual report of the internal audit unit;

23-1) determine foreign custodians, with which the National Bank of Kazakhstan opens accounts for accounting and storage of pension assets of the unified accumulative pension fund;

23-2) determines the procedure for the implementation of activities on trust management of clients' assets by the National Bank of Kazakhstan;



23-3) determines the procedure for the implementation of brokerage activities by the National Bank of Kazakhstan;

23-4) determines the procedure for the implementation of dealer activities by the National Bank of Kazakhstan;

23-5) determines the procedure for the conduct of operations with derivative financial instruments by the National Bank of Kazakhstan;

23-6) determines the procedure for the conduct of operations with foreign currency in cash by the National Bank of Kazakhstan;

23-7) approves the investment declaration of the unified accumulative pension fund;

23-8) approves the accounting policy for accounting of operations on trust management of assets of the National Fund of the Republic of Kazakhstan;

24) carry out other functions and powers provided for by this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan, dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan, dated 26.11.2012 No. 57-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 203-V as of 16.05.2014 (shall be enforced six months after its first official publication); № 269-V as of 29.12.2014 (shall be enforced from 01.01.2015); No. 422-V dated November 24, 2015 (see Article 2 for the order of entry into force); № 479-V as of 29.03.2016 (shall be enforced twenty-one calendar days after its first official publication); № 12-VI as of 26.07.2016 (shall be enforced thirty calendar days after its first official publication); № 53-VI as of 13.03.2017 (shall be enforced ten calendar days after its first official publication); № 63-VI as of 06.05.2017 (shall be enforced twenty-one calendar days after its first official publication); № 91-VI as of 11.07.2017 (shall be enforced ten calendar days after its first official publication); № 128-VI as of 28.12.2017 (shall be enforced ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 168-VI as of 02.07.2018 (see the enforcement procedure in Article 2); No. 262-VI dated July 3, 2019 (see Article 2 for the entry into force); dated 03.07.2020 No. 359-VI (shall be enforced from 01.01.2021); No. 399-VI dated 02.01.2021 (see Article 2 for the order of entry into force); dated 12.07.2022 No. 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

## **Article 16. Composition of the Executive Board of the National Bank of Kazakhstan**

Executive Board of the National Bank of Kazakhstan consists of nine members.

The Board of the National Bank of Kazakhstan includes the Chairman of the National Bank of Kazakhstan and four officials of the National Bank of Kazakhstan, one representative

from the President of the Republic of Kazakhstan, two representatives from the Government of the Republic of Kazakhstan and one representative from the authorized body for regulation, control and supervision of the financial market and financial organizations.

Members of the Board of the National Bank of Kazakhstan from the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the National Bank of Kazakhstan and the authorized body for regulation, control and supervision of the financial market and financial organizations are appointed and dismissed, respectively, by the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the Chairman of the National Bank of Kazakhstan, the Chairman of the authorized body for regulation, control and supervision of the financial market and financial organizations.

**Footnote. Article 16 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 5 December 1995, No. 2672; as amended by the Laws of the Republic of Kazakhstan, dated 11.07.1997 No. 154; dated 05.07.2006 No. 165 (the order of the enforcement, see Article 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

#### **Article 17. Executive Board session of the National Bank of Kazakhstan**

Meetings of the Board of the National Bank of Kazakhstan are held as required in accordance with the work plan approved by the Chairman of the National Bank of Kazakhstan.

Unscheduled meetings of the Board of the Bank of Kazakhstan are held at the request of the Chairman of the National Bank of Kazakhstan or three members of the Board.

Executive Board members of the National Bank of Kazakhstan are notified timely of the appointment of the Executive Board session.

Executive Board session of the National Bank of Kazakhstan shall be conducted by the Chairman of the National Bank of Kazakhstan and in case of his (her) absence – an individual, replacing him (her).

The Executive Board is authorized to take a decision with the participation of at least two thirds of Executive Board members, including the Chairman of the National Bank of Kazakhstan, or an individual, replacing him (her).

The Executive Board decision shall be taken by a simple majority vote of Executive Board members. In case of equality of votes, the vote of the Chairman of the National Bank of Kazakhstan shall be casting.

No later than one week term the Chairman of the National Bank of Kazakhstan has a right to return the Executive Board decision with his (her) objections for a second discussion and voting. If the Executive Board confirms the earlier decision by two-thirds of Executive Board members, the Chairman of the National Bank of Kazakhstan shall sign the decision.

Footnote. Article 17, as amended by the Laws of the Republic of Kazakhstan dated 11 July 1997 No. 154; dated 16 July 1999 No. 436; dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

## **Article 18. Resignation and termination of appointment**

The Chairman of the National Bank of Kazakhstan shall have the right to resign by submitting his (her) written application two months before retiring, to the President of the Republic of Kazakhstan.

The Chairman of the National Bank of Kazakhstan shall be dismissed by the President of the Republic of Kazakhstan.

Deputies of the Chairman shall be dismissed by the President of the Republic of Kazakhstan on presentation of the Chairman of the National Bank of Kazakhstan.

Deputies may resign by submitting a written application to the President of the Republic of Kazakhstan, through the Chairman of the National Bank of Kazakhstan for two months before retiring.

Footnote. Article 18 – as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 5 December 1995 No. 2672.

## **Article 18-1. Monetary Policy Committee**

National Bank of Kazakhstan and its powers

1. The Monetary Policy Committee of the National Bank of Kazakhstan is a decision-making body on monetary policy issues.

Monetary Policy Committee of the National Bank of Kazakhstan:

- 1) sets the base rate;
- 2) establish interest rates for the main monetary policy operations;
- 3) makes decisions on other issues of monetary policy that do not fall within the exclusive competence of the Board of the National Bank of Kazakhstan.

2. The Monetary Policy Committee of the National Bank of Kazakhstan includes the Chairman of the National Bank of Kazakhstan, his deputies in charge of monetary policy, monetary operations, financial stability, heads of structural divisions of the National Bank of Kazakhstan, whose functions include issues of monetary policy, monetary operations, financial stability, as well as other divisions of the National Bank of Kazakhstan by decision of the Chairman of the National Bank of Kazakhstan.

Persons who are not employees of the National Bank of Kazakhstan and meet the requirements approved by the Board of the National Bank of Kazakhstan may be included in the Monetary Policy Committee of the National Bank of Kazakhstan.

The composition and rules of work of the Monetary Policy Committee of the National Bank of Kazakhstan are approved by the Chairman of the National Bank of Kazakhstan.

3. The meetings of the Monetary Policy Committee of the National Bank of Kazakhstan shall be chaired by the Chairman of the National Bank of Kazakhstan.

4. The Monetary Policy Committee of the National Bank of Kazakhstan adopts resolutions on issues within its competence.

**Footnote.** The Law is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021).

#### **Article 19. Board of Directors of the National Bank of Kazakhstan and its powers**

The operational management body of the National Bank of Kazakhstan is the Board of Directors of the National Bank of Kazakhstan.

The Board of Directors includes the Chairman of the National Bank of Kazakhstan, his deputies, heads of structural divisions and departments of the National Bank of Kazakhstan. The composition of the Board of Directors of the National Bank of Kazakhstan is approved by the Chairman of the National Bank of Kazakhstan.

The Chairman of the National Bank of Kazakhstan shall preside at sessions of the Board of Directors. On his behalf, the Board session may be led by the Deputy Chairman of the National Bank of Kazakhstan.

The Board of Directors, in accordance with this Law, shall take decisions on issues within the jurisdiction of the National Bank of Kazakhstan, except for those issues that fall within the competence of the Board and the Chairman of the National Bank of Kazakhstan (or his (her) deputies).

The Board of Directors shall adopt resolutions on issues within its competence.

The Board of Directors determines procedures for accounting and preparation of separate and consolidated financial statements of the National Bank of Kazakhstan, as well as the accounting and financial reporting of the National Fund of the Republic of Kazakhstan.

**Footnote.** Article 19 as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 4 December 1995 No. 2672; by the Laws of the Republic of Kazakhstan dated 11 July 1997 No. 154; dated 16 July 1999 No. 436; dated 2 March 2001 No. 162 (see Article 2); dated 10 July 2003 No. 483 (shall be enforced from 1 January 2004); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); No. 399-VI dated 02.01.2021 (see Article 2 for the order of entry into force).

#### **Article 20. Branches, representative offices, departments and organizations of the National Bank of Kazakhstan**

**Footnote.** Title of Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Branches, representative offices and departments of the National Bank of the Republic of Kazakhstan conduct its activities within the limits of their powers, established by the National Bank of Kazakhstan.

Organizations of the National Bank of Kazakhstan are legal entities are established and terminate its activities in accordance with the legislative acts, with the specifications established by this Law.

National Bank of Kazakhstan shall decide on the establishment, reorganization and liquidation of his organizations, and shall be their founder and authorized state body, functioning as the owner of state owned assets, including the power to regulate their activities and making decisions to change the legal status of these organizations.

**Footnote. Article 20, as amended by the Laws of the Republic of Kazakhstan dated 27.01.1996 N. 2830; dated 11.07.1997 No. 154; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Chapter 4-1. EMPLOYEES OF THE NATIONAL BANK OF KAZAKHSTAN AND ITS DEPARTMENTS**

**Footnote. The Law is supplemented by Chapter 4-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

##### **Article 20-1. Composition of positions of employees of the National Bank of Kazakhstan and its departments and the regulation of their employment**

Employees of the National Bank of Kazakhstan and its departments are persons, not related to the administrative state and civil servants, holding the positions at the National Bank of Kazakhstan and its departments, and the remuneration to them is paid from the budget (cost estimates) of the National Bank of Kazakhstan.

The composition of positions of employees of the National Bank of Kazakhstan and its departments shall include the positions:

- 1) political civil servants;
- 2 ) employees of the National Bank of Kazakhstan and its departments;
- 3) technical employees of the National Bank of Kazakhstan and its departments.

Employees of the National Bank of Kazakhstan and its departments are persons that are not related to civil servants, and performing official duties at the National Bank of Kazakhstan and its departments, aimed at achieving the objectives and functions of the state.

The official powers mean the rights and obligations under a particular public duties of employees in the National Bank of Kazakhstan and its departments that meet the goals and objectives facing the National Bank of Kazakhstan.

List of positions of employees of the National Bank of Kazakhstan and its departments is approved by the President of the Republic of Kazakhstan.

Technical employees of the National Bank of Kazakhstan and its departments are the persons not related to the civil servants, and performing work duties for maintenance and operation of the National Bank of Kazakhstan and its departments.

List of technical staff positions is approved by the Board of Directors of the National Bank of Kazakhstan.

Labor of employees of the National Bank of Kazakhstan and its departments is regulated by the Labor Code of the Republic of Kazakhstan with the specifics established by this Law, other regulatory legal acts of the Republic of Kazakhstan, as well as acts of the National Bank of Kazakhstan.

The remuneration of employees of the National Bank of Kazakhstan and its departments is established on the basis of the remuneration system for employees of the National Bank of Kazakhstan approved by the Executive Board of the National Bank of Kazakhstan in consultation with the President of the Republic of Kazakhstan.

**Footnote. Article 20-1 as amended by Law of the Republic of Kazakhstan № 91-VI as of 11.07.2017 (shall be enforced ten days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

#### **Article 20-2. Terms of appointment of employees of the National Bank of Kazakhstan and its departments**

Persons, applying for the position of an employee of the National Bank of Kazakhstan and its departments, should have education, level of professional training necessary for the appointment to the corresponding position in the National Bank of Kazakhstan and its departments.

Holding a position of the employee of the National Bank of Kazakhstan and its departments is carried out after compulsory special examination.

The following persons cannot be appointed to the position of an employee of the National Bank of Kazakhstan and its departments:

- 1) a person, recognized in the manner prescribed by law as incapable or partially capable;
- 2) a person, that during the three years prior to his (her) appointment as an employee of the National Bank of Kazakhstan and its departments brought to disciplinary liability for corruption offences;
- 3) a person, that commit corruption crime;
- 4) a person, dismissed for corruption offences;
- 5) a person, that has a criminal record, which at the time of holding a position of an employee of the National Bank of Kazakhstan and its departments are not canceled or withdrawn in accordance with the law;



6) a person, that has not undertaken a special examination for compliance with anti-corruption legislation of the Republic of Kazakhstan.

**Footnote. Article 20-2 as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).**

### **Article 20-3. Termination of employment contract with employees of National Bank of Kazakhstan and its departments**

Termination of employment contract with employees of the National Bank of Kazakhstan and its departments is made on the following grounds:

- 1) provided by the Labour Code of the Republic of Kazakhstan;
- 2) achievement of the retirement age, set by the law of the Republic of Kazakhstan, with the right to the annual renewal of their employment with the National Bank of Kazakhstan and its departments;
- 3) the negative results of a special examination for compliance with anti-corruption legislation of the Republic of Kazakhstan;
- 4) submission of false information about his (her) income and assets;
- 5) non-compliance with anti-corruption obligations and restrictions established by this Law and the Law of the Republic of Kazakhstan “On Combating Corruption”;
- 6) non-transfer into trust management the self-owned investment funds, bonds and shares of commercial organizations;
- 7 ) providing for admission to the National Bank of Kazakhstan and its departments the false documents or information that could be grounds for refusal to hire;
- 8) negative results of certification;
- 8-1) transfer to another state body in connection with the transfer of functions, powers and (or) staff units of the National Bank of Kazakhstan, including during its liquidation (abolition) or reorganization, to another state body;
- 8-2) refusal to transfer to a state body to which the functions, powers and (or) staff units of the National Bank of Kazakhstan have been transferred, including during its liquidation (abolition) or reorganization;
- 9) other grounds provided for by the laws of the Republic of Kazakhstan.

The state body to which the functions, powers and (or) staffing units of the National Bank of Kazakhstan have been transferred, including in the event of its liquidation (abolition) or reorganization, offers positions to the employees of the National Bank of Kazakhstan who performed the transferred functions, powers and (or) who occupied these staff units, according to their qualifications. In the absence of an equivalent position, with the consent of an employee of the National Bank of Kazakhstan, he may be offered a lower position, provided for by the staffing table of the state body.

Upon termination of an employment contract on the basis of a reduction in the number or staff of employees of the National Bank of Kazakhstan, an employee of the National Bank of



Kazakhstan holding a downsized position receives a severance pay in the amount of four average monthly salaries with a work experience of at least three years.

**Footnote. Article 20-3 as amended by Law of the Republic of Kazakhstan № 411-V as of 18.11.2015 (shall be enforced from 01.01.2016); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

**Article 20-4. The rights and obligations of employees of the National Bank of Kazakhstan and its departments**

1. Officials of the National Bank of Kazakhstan and its departments shall have the right to :

1) use the rights and freedoms, guaranteed to citizens by the Constitution of the Republic of Kazakhstan and the Labour Code of the Republic of Kazakhstan;

2) participate within their authority in considering the issues and decision-making, demand their execution by the relevant bodies and officials;

3) obtain in the prescribed manner the information and materials, necessary for the performance of official duties;

4) visit organizations, branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan in the manner prescribed by the laws of the Republic of Kazakhstan for the performance of official duties;

5) require the manager the exact definition of the tasks and scope of official powers in accordance with the position, occupied by employees of the National Bank of Kazakhstan and its departments;

6) respect the personal dignity, fair and respectful attitude on the part of managers and other individuals and officials;

7) the training and advanced training at the expense of the budget (cost estimates) of the National Bank of Kazakhstan;

8) unimpeded access to materials that relate to their official duties, and if necessary, give personal explanation;

9) promotion to the positions with regard to qualifications, abilities, and the conscientious performance of their official duties;

10) require the internal investigation in the presence of unfounded charges, according to the opinion of an employee;

11) be engaged in teaching, research and other creative activities.

2. Employees of the National Bank of Kazakhstan and its departments shall:

1) comply with the Constitution and legislation of the Republic of Kazakhstan;

2) take an oath in the manner, determined by the National Bank of Kazakhstan;

3) ensure observance and protection of the rights, freedoms and legitimate interests of individuals and legal entities, branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan, consider in the manner and terms established the legislation of the Republic of Kazakhstan, the appeals of these persons, take the necessary measures on them;

4) exercise the powers within the rights, granted to them and in accordance with the duties ;

5) carry out orders and instructions of executives, decisions and instructions of higher authorities and officials, issued within their powers;

6) maintain the confidentiality of the received in the performance of official duty information, affecting the privacy and dignity of individuals, and do not require them to provide such information, except as provided by the legislation of the Republic of Kazakhstan ;

7 ) ensure the safety of state property;

8) immediately bring to the attention of administration or to law enforcement agencies about the cases of corruption offences became known to them;

9) improve their professional level and qualifications for the effective exercise of official duties;

10) not to disclose to third parties official, commercial, banking secrets, secrets of insurance, pension savings and other secrets protected by law, as well as other information in any form accessible to perception on any type of media received in the performance of his official powers, including information received when working with automated information subsystems (if having access to them), except for the cases provided for by the laws of the Republic of Kazakhstan;

11) within one month from the date of holding a position of an employee of the National Bank of Kazakhstan or its departments, transfer into trust management and submit to the personnel department of the National Bank of Kazakhstan, a notarized copy of the contract for trust management of the self-owned investment funds, bonds, and shares of commercial organizations.

3. Employees of the National Bank of Kazakhstan and its departments may not acquire investment funds, bonds, shares of commercial organizations.

4. Employees of the National Bank of Kazakhstan and its departments, by virtue of their official powers to conduct inspections of the activities of the audited entities on issues falling within the competence of the National Bank of Kazakhstan, are obliged to immediately inform their higher management about all circumstances that may interfere with the clear and impartial performance of their official powers, including about:

1) close relatives (relatives-in-law), spouses, who are senior managers of audited entities;

2) close relatives or spouses working at audited entities;

3) loans granted by audited entities and other property liabilities to audited entities.

Footnote. Article 20-4, as amended by Law of the Republic of Kazakhstan dated 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); № 12-VI as of 26.07.2016 (shall be enforced thirty days after its first official publication); № 63-VI as of 06.05.2017 (shall be enforced twenty-one days after its first official publication); № 166-VI as of 02.07.2018 (shall be enforced ten days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); No. 422-V dated November 24, 2015 (see Article 2 for the entry into force).

#### **Article 20-5. Responsibility of employees of the National Bank of Kazakhstan and its departments**

1. Employees and technical employees of the National Bank of Kazakhstan and its departments shall be responsible for a failure to perform or improper performance of assigned duties and labor discipline in accordance with the Labor Code of the Republic of Kazakhstan.

2. Is excluded by Law of the Republic of Kazakhstan № 411-V as of 18.11.2015 (shall be enforced from 01.01.2016).

3. A disciplinary penalty:

1) is imposed by an official authorized to appoint and dismiss an employee of the National Bank of Kazakhstan and its departments, who is subject to disciplinary liability;

2) cannot be re-imposed for the same offence;

3) is imposed in the manner determined by an act of the National Bank of Kazakhstan.

4. The employees of the National Bank of Kazakhstan and its departments, who have committed a disciplinary offence, may be temporarily suspended from office by an official authorized to appoint and dismiss him/her from office, until the responsibility issue is settled in the established manner.

5. Is excluded by Law of the Republic of Kazakhstan № 411-V as of 18.11.2015 (shall be enforced from 01.01.2016).

6. Is excluded by Law of the Republic of Kazakhstan № 411-V as of 18.11.2015 (shall be enforced from 01.01.2016).

7. Is excluded by Law of the Republic of Kazakhstan № 411-V as of 18.11.2015 (shall be enforced from 01.01.2016).

8. It is mandatory to familiarize the employees and technical employees of the National Bank of Kazakhstan and its departments with all materials related to the imposition of disciplinary penalties, they are given the right to personally participate in internal investigation procedure.

9. Actions and decisions of the National Bank of Kazakhstan may be appealed against by the employees and technical employees of the National Bank of Kazakhstan and its departments held accountable in the manner prescribed by the laws of the Republic of Kazakhstan.

At the same time, appealing against the said actions and decisions of the National Bank of Kazakhstan does not suspend their execution.

10. If the employees and technical employees of the National Bank of Kazakhstan and its departments commit criminal and other offences, they bear criminal, administrative, material liability, respectively, on the grounds and in the manner established by the laws of the Republic of Kazakhstan.

11. The National Bank of Kazakhstan provides legal protection for its employees, members of the Management Board, including former employees and members of the Executive Board, and persons involved by it, in case of filing lawsuits against them in connection with their actions (inaction), decision-making for the purposes of performing functions assigned to the National Bank of Kazakhstan, and also duties they performed as members of temporary administrations and liquidation commissions of second-tier banks, insurance (reinsurance) organizations.

**Footnote.** Article 20-5 as amended by Law of the Republic of Kazakhstan № 227-V as of 03.07.2014 (shall be enforced from 01.01.2015); № 233-V as of 04.07.2014 (shall be enforced from 01.01.2015); № 411-V as of 18.11.2015 (shall be enforced from 01.01.2016); от 02.07.2018 № 168-VI (shall be enforced from 01.01.2019); dated 29.06.2020 No. 351-VI (shall be enforced from 01.07.2021).

#### **Article 20-6. Leaves of employees of the National Bank of Kazakhstan and its departments**

1. The Chairman of the National Bank of Kazakhstan, his/her deputies, as well as other employees of the National Bank of Kazakhstan and its departments are provided with paid annual leave of thirty calendar days.

Paid annual leave for employees of the National Bank of Kazakhstan and its departments for the first and subsequent years of work, by agreement of the parties, is provided at any time of the working year.

2. At the request of the employees of the National Bank of Kazakhstan and its departments, annual paid leave may be provided to them in parts. In this case, one of the parts of the paid annual labor leave must be at least two calendar weeks of the duration of the leave

3. Employees of the National Bank of Kazakhstan and its departments may be granted unpaid leave in accordance with the procedure established by the labor legislation of the Republic of Kazakhstan, including in the case of their training within the framework of a state order for postgraduate education programs.

**Footnote.** Chapter 4-1 is supplemented with article 20-6 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); as amended by the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall come into effect ten calendar days after the day of its first official publication).

## **Article 20-7. Guarantees and compensation to employees of the National Bank of Kazakhstan and its departments during business trips**

1. Employees of the National Bank of Kazakhstan and its departments are reimbursed for expenses on business trips, including to foreign countries, in the manner determined by the National Bank of Kazakhstan.

2. The business travelers of the National Bank of Kazakhstan and its departments retain their place of work (position) and average salary during the entire time of the trip.

**Footnote. Chapter 4-1 is supplemented with article 20-7 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

## **Article 20-8. Secondment of employees of the National Bank of Kazakhstan**

1. Employees of the National Bank of Kazakhstan, to fulfil the tasks assigned to the National Bank of Kazakhstan, may be seconded to foreign institutions of the Republic of Kazakhstan, international organizations and (or) their representative offices and other organizations in the manner regulated by the legislation of the Republic of Kazakhstan on the diplomatic service.

2. Remuneration of seconded employees of the National Bank of Kazakhstan shall be carried out at the expense of the budget (cost estimates) of the National Bank of Kazakhstan and determined in the manner and on the terms determined by the Board of the National Bank of Kazakhstan.

3. Conditions of social and medical security, guarantees, conditions for payment of compensations and other payments, including compensation for damage to seconded employees of the National Bank of Kazakhstan and accompanying family members (husband (wife), minor children, minor adopted children, as well as disabled adult children and (or) parents) shall be determined by the relevant act of the National Bank of Kazakhstan.

**Footnote. Chapter 4-1 is supplemented by Article 20-8 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2021 No. 95-VII (shall come into effect ten calendar days after the day of its first official publication).**

## **Chapter 5 INTERACTION OF NATIONAL BANK OF KAZAKHSTAN WITH STATE AUTHORITIES**

### **Article 21. Basic principles of interaction**

National Bank of Kazakhstan within its authority, granted to it by the laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan is independent in its activities. The representative and executive authorities may not interfere in the activities of the National Bank of Kazakhstan, its branches, representative offices, agencies and organizations in the implementation of its legislated authority.

Footnote. Article 21, as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 5 December, 1995 No. 2672; by the Laws of the Republic of Kazakhstan dated 11.07.1997 No. 154; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 22. The Government of the Republic of Kazakhstan and the National Bank of Kazakhstan**

National Bank of Kazakhstan shall coordinate its activities with the Government of the Republic of Kazakhstan. National Bank of Kazakhstan and the Government must inform each other about the prospective activities and the results of national importance, and hold regular consultations.

National Bank of Kazakhstan takes into account in its activities the economic policy of the Government and contributes to its implementation, if it is not contrary to the performance of its main functions and the implementation of monetary policy.

Chairman of the National Bank of Kazakhstan, or one of his (her) deputies shall have the right to participate in government sessions in a consultative capacity.

The Government shall not be liable for the obligations of the National Bank of Kazakhstan, as well as the National Bank of Kazakhstan shall not be liable for the obligations of the Government, except when it takes on that responsibility.

Footnote. Article 22, as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 No. 69; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

## **Article 23. National Bank of Kazakhstan - a bank, a financial adviser and agent**

National Bank of Kazakhstan may act as a bank, financial adviser and agent of the state bodies in agreement with them.

Footnote. Articles 23-28 – are in the wording of the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154.

## **Article 24. National Bank of Kazakhstan – a bank of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan allocates its funds in the National Bank of Kazakhstan. National Bank of Kazakhstan makes payments, carries out other transactions on the accounts of the Government, as well as offers other services to it.

Direct funding of the Government of the Republic of Kazakhstan by the National Bank of Kazakhstan is not allowed.



Footnote. Article 24, as amended – by the Laws of the Republic of Kazakhstan dated 8 December, 1997 No. 200; dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004).

**Article 25. National Bank of Kazakhstan – a financial adviser of the Government of the Republic of Kazakhstan**

National Bank of Kazakhstan is acting as financial adviser to the Government of the Republic of Kazakhstan in the development and implementation of government borrowing, the formation of fiscal policy on the issues, related to monetary policy.

**Article 26. National Bank of Kazakhstan – an agent of the Government of the Republic of Kazakhstan**

National Bank of Kazakhstan acts as an agent of the Government of the Republic of Kazakhstan on the terms that have been agreed between the National Bank of Kazakhstan and the Government of the Republic of Kazakhstan.

National Bank of Kazakhstan, as an agent of the Government of the Republic of Kazakhstan, serves the government loans of the Government an agreement with it.

**Article 27. Transactions with public securities, issued by a decision of the Government of the Republic of Kazakhstan**

National Bank of Kazakhstan shall have the right to conduct transactions with public securities issued by a decision of the Government of the Republic of Kazakhstan.

National Bank of Kazakhstan may not acquire in its property the public securities of the central authorized body for budget execution during their placement in the primary market.

The central authorized body for budget execution shall coordinate the conditions for admitting financial institutions to initial placement of government securities issued by decision of the Government with the National Bank of Kazakhstan.

Footnote. Article 27, as amended – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 5 July, 2006 No. 165 (the order of enforcement see Article 2); № 168-VI as of 02.07.2018 (shall be enforced ten days after its first official publication).

**Article 28. Regulation of circulation of public securities**

National Bank of Kazakhstan shall regulate the circulation of public securities of the Government of the Republic of Kazakhstan and the local executive bodies in agreement with the central authorized body for budget execution.

Footnote. Article 28 – is in the wording of the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); as amended by the Law of



the Republic of Kazakhstan dated 5 July, 2006 No. 165 (the order of enforcement see Article 2).

## **Chapter 6 MONETARY POLICY**

### **Article 29. Development and implementation of monetary policy**

National Bank of Kazakhstan is the only body that defines and implements the state monetary policy of the Republic of Kazakhstan. Monetary policy is implemented by the National Bank of Kazakhstan in order to ensure the price stability.

Monetary policy is carried out by establishing:

base rate of the National Bank of Kazakhstan;

remuneration rates for the main operations of monetary policy;

minimum reserve requirements;

in exceptional cases, direct quantitative restrictions on the level and volume of certain types of transactions.

The National Bank of Kazakhstan sets inflation targets for the medium term.

Footnote. Article 29 – is in the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004). It is amended – by the Law of the Republic of Kazakhstan dated 8 July, 2005 No. 69; No. 399-VI dated 02.01.2021 (see Article 2 for the order of entry into force).

### **Article 30. Types of transactions of monetary policy**

In order to implement monetary policy, the National Bank of Kazakhstan shall perform the following operations:

1) the granting of standing loans;

2) acceptance of deposits;

3) foreign currency intervention;

4) issuance of short-term notes of the National Bank of Kazakhstan;

5) purchase and sale of state and other securities, including the right of re-purchase;

6) is excluded by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016);

7) other transactions by a decision of the National Bank of Kazakhstan.

Footnote. Article 30, as amended – by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154, is in the new wording – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); № 168-VI as of 02.07.2018 (shall be enforced ten days after its first official publication).

### **Article 31. Official refinancing rate**

Footnote. Article 31 is excluded by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).

### **Article 32. Reserve requirements**

In order to implement the monetary policy, the National Bank of Kazakhstan sets the standards for minimum reserve requirements.

The National Bank of Kazakhstan approves the rules on minimum reserve requirements, which determine the structure of liabilities of banks, branches of banks - non-residents of the Republic of Kazakhstan, accepted for calculating the minimum reserve requirements, the procedure for calculating the minimum reserve requirements, meeting the minimum reserve requirements, reserving and exercising control over the implementation of the minimum reserve requirements .

Changes in the standards of minimum reserve requirements are put into effect no earlier than one month from the date of such a decision.

In case of violation of the minimum reserve requirements, banks, branches of a non-resident bank of the Republic of Kazakhstan shall bear responsibility established by the laws of the Republic of Kazakhstan.

Within ten days from the date of appointment of the chairman of the liquidation commission, the National Bank of Kazakhstan returns to the liquidation commission of the bank, the branch of the bank - a non-resident of the Republic of Kazakhstan, the funds reserved from it.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 03.07.2019 No. 262-VI ( see Article 2 for the order of entry into force).

### **Article 33. Buying and selling securities**

Buying and selling of state and other securities is carried out by the National Bank of Kazakhstan within the general monetary policy.

Footnote. Article 33 – is in the wording of the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004).

### **Article 34. Base rate of the National Bank of Kazakhstan and interest rates on monetary policy operations**

Footnote. The title of the article as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021).

The base rate of the National Bank of Kazakhstan is the main monetary policy instrument of the National Bank of Kazakhstan and a benchmark for setting interest rates on monetary policy operations.

Interest rates on monetary policy operations are set by the National Bank of Kazakhstan in order to influence market interest rates in the financial market as part of a current monetary policy.

Footnote. Article 34 as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021).

### **Article 35. Standing loans**

The National Bank of Kazakhstan grants standing loans in accordance with the adopted guidelines of the monetary policy exclusively against collateral with highly liquid, risk-free securities and other low-risk assets for a period not exceeding thirty calendar days.

Footnote. Article 35 as amended by Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (shall be enforced ten days after its first official publication).

### **Article 36. Foreign currency interventions**

Foreign currency interventions of the National Bank of Kazakhstan are implemented independently by buying and selling foreign currency and carrying out other types of foreign currency transactions in the interbank or exchange market in order to influence to the rate of tenge.

Foreign currency interventions of the National Bank of Kazakhstan are implemented within the general monetary policy.

Footnote. Article 36 is in the new wording – of the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from January 1, 2004).

#### **Article 36-1. Deposits**

The order, conditions for attracting and repayment, timing and limits of attracting deposits are determined by the National Bank of Kazakhstan.

National Bank of Kazakhstan shall have the right to attract deposits as in national, and in foreign currency.

Footnote. It is supplemented by Article 36-1 – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004).

#### **Article 36-2. Short-term notes of the National Bank of Kazakhstan**

Short-term notes of the National Bank of Kazakhstan are the public securities, issued by the National Bank of Kazakhstan, the obligations under which carries the National Bank of Kazakhstan.

The procedure and conditions of issuance, placement, circulation and repayment of short-term notes are determined by the National Bank of Kazakhstan.

National Bank of Kazakhstan in accordance with the objectives of monetary policy is entitled to issue short-term notes as in national, and in foreign currency.

Footnote. It is supplemented by Article 36-2 – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 36-3. Rediscounting of commercial bills**

Footnote. Article 36-3 is excluded by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).

### **Article 37. Quantitative restrictions on banks' operations**

Direct quantitative restrictions of the National Bank of Kazakhstan are the maximum interest rates on certain types of operations and transactions, direct credit crunch, freeze of remuneration rates, direct regulation of specific types of credit in order to encourage or deter the development of certain industries.

National Bank of Kazakhstan shall have the right to apply direct quantitative restrictions in case of impossibility of suspending inflation processes by indirect methods of monetary control.

Footnote. Article 37, as amended – by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154.

## **Chapter 7 MONEY CIRCULATION AND MONETARY UNIT**

### **Article 38. Monetary unit**

Monetary unit (the national currency) of the Republic of Kazakhstan is the Kazakhstani Tenge. Kazakhstani Tenge consists of 100 tiyns.

Banknotes of the Republic of Kazakhstan that are in circulation consist of notes and coins.

Structure of nominal values of banknotes and coins is determined by the National Bank of Kazakhstan.

### **Article 39. Means of payment**

Legal mean of payment in the Republic of Kazakhstan, except in cases stipulated by the legislative acts, regulatory legal acts of the National Bank of Kazakhstan, is the Kazakhstani tenge.

Footnote. Article 39 – is in the wording of the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154.

### **Article 40. Issue of banknotes and coins**

Issue of banknotes and coins, organization of their circulation and withdrawal from the circulation on the territory of the Republic of Kazakhstan are carried out exclusively by the National Bank of Kazakhstan.

Issue of banknotes and coins in circulation is carried out by the National Bank of Kazakhstan through their sale to individuals and legal entities.

**Footnote. Article 40 – is in the wording of the Law of the Republic of Kazakhstan dated 8 July, 2005 No. 69**

#### **Article 41. Ensuring of monetary unit**

Banknotes and coins of the National Bank of Kazakhstan are unconditional obligations of the National Bank of Kazakhstan and provided by all of its assets.

National Bank of Kazakhstan has regularly published in the media a message of the size of foreign exchange reserves.

**Footnote. Article 41, as amended by the Laws of the Republic of Kazakhstan dated 11.07.1997 No. 154; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 42. Production and characterization of banknotes and coins**

National Bank of Kazakhstan shall determine the need for the required amount of banknotes and coins, and provide their production, establish the procedure for storage, destruction and collection of cash.

Coins are divided into the following types:

investment coins – coins, made of precious metals that are subject to investment and savings;

collectible coins – anniversary, memorable and other coins of special coinage, produced as a limited edition of precious and base metal that are subject of collection and savings;

circulating coins – coins, made of precious metals and intended for cash monetary circulation.

Banknotes and coins of the national currency of the Republic of Kazakhstan are developed in accordance with the design concept of banknotes and coins of the national currency - Kazakhstan tenge. Images and descriptions of banknotes and coins shall be published in the media.

**Footnote. Article 42, as amended – by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154; dated 8 July, 2005 No. 69; № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016)**

#### **Article 43. Requirements for admission of banknotes and coins**

Banknotes and coins issued into circulation by the National Bank of Kazakhstan are obligatory for acceptance at their face value throughout the territory of the Republic of Kazakhstan for all types of payments, as well as for crediting to bank accounts and for transfer, exchanged and exchanged without limitation by all banks, branches of banks - non-residents of the Republic of Kazakhstan and the National Postal Operator.

Nobody, except the National Bank of Kazakhstan, can annul the banknotes and coins, issued by the National Bank of Kazakhstan.

**Footnote.** Article 43, as amended – by the Law of the Republic of Kazakhstan dated 16 July, 1999 No. 436; № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); dated November 24, 2015 No. 422-V (see Article 2 for the order of entry into force).

#### **Article 43-1. Sale and re-purchase of banknotes and coins by the National Bank of Kazakhstan**

Sale, re-purchase of banknotes and circulating coins by the National Bank of Kazakhstan are carried at their face value.

Sale and re-purchase by the National Bank of Kazakhstan of investment and collectible coins are carried out in the manner prescribed by regulatory legal acts of the National Bank of Kazakhstan.

**Footnote.** It is supplemented by Article 43-1 – by the Law of the Republic of Kazakhstan dated 8 July, 2005 No. 69.

#### **Article 44. The right to replace monetary unit**

The President of the Republic of Kazakhstan has the right to replace monetary unit. The President of the Republic of Kazakhstan shall determine the procedure, terms and conditions for the functioning of monetary unit of the Republic of Kazakhstan.

**Footnote.** Article 44 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 5 December, 1995 No. 2672.

#### **Article 45. Putting banknotes and coins of the national currency of the Republic of Kazakhstan into circulation, their replacement and taking out of circulation**

The decision to put into circulation banknotes and coins of the national currency of the Republic of Kazakhstan, the procedure for their replacing and taking out of circulation are taken by the National Bank of Kazakhstan and published in the media.

**Footnote.** Article 45 as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).

#### **Article 46. Worm, doubtful banknotes and defective (damaged), doubtful coins**

Dilapidated banknotes that have retained at least seventy percent of the sizes of banknotes established by the National Bank of Kazakhstan, and defective (damaged) coins are



exchanged without restrictions by the National Bank of Kazakhstan, banks, branches of non-resident banks of the Republic of Kazakhstan and the National Postal Operator.

Doubtful banknotes that have retained more than fifty percent, and dubious coins are accepted by the National Bank of Kazakhstan, banks, branches of non-resident banks of the Republic of Kazakhstan and the National Postal Operator in accordance with the regulatory legal act of the National Bank of Kazakhstan.

Doubtful banknotes and doubtful coins are exchanged by the National Bank of Kazakhstan in the manner prescribed by the regulatory legal act of the National Bank of Kazakhstan.

The National Bank of Kazakhstan is not obligated to compensate for lost or destroyed banknotes and coins.

**Footnote. Article 46 as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); dated November 24, 2015 No. 422-V (see Article 2 for the order of entry into force).**

#### **Article 47. Responsibility for the manufacture, storage and sale of counterfeit banknotes and coins**

Persons guilty of making, storing counterfeit banknotes and coins for the purpose of selling, guilty of selling counterfeit banknotes and coins, as well as unauthorized issue of cash , are liable under the laws of the Republic of Kazakhstan.

**Footnote. Article 47 as amended by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016).**

#### **Article 47-1. Organization of cash services**

**Footnote. Article 47-1 is excluded by the Law of the Republic of Kazakhstan dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009).**

### **Chapter 8. Organization of payments and money transfers**

**Footnote. Title of the Chapter – is in the wording of the Law of the Republic of Kazakhstan dated 16 July, 1999 No. 436.**

#### **Article 48. Powers of the National Bank of Kazakhstan in organizing and regulating payments and (or) money transfers, payment systems and the payment services market**

The powers of the National Bank of Kazakhstan in organizing and regulating payments and (or) money transfers, payment systems and payment services market, exercising state control and supervision of the payment services market and supervision (oversight) over payment systems are determined in accordance with the Law of the Republic of Kazakhstan " On payments and payment systems" and other laws of the Republic of Kazakhstan.

Footnote. Article 48 as amended by Law of the Republic of Kazakhstan № 12-VI as of 26.07.2016 (shall be enforced thirty days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

**Article 48-1.** (Article 48-1 is excluded – by the Law of the Republic of Kazakhstan dated 8 July, 2005 No. 69).

#### **Article 49. Accounts**

National Bank of Kazakhstan establishes the types, legal regime and structure of bank accounts, the procedure and conditions for the opening, maintaining and closing the accounts.

Footnote. Article 49, as amended by the Laws of the Republic of Kazakhstan dated 11.07.1997 No. 154; dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009).

#### **Article 50. Methods for making payments and transfer of money**

Methods for making payments and transfer of money, used in the Republic of Kazakhstan, are established by the legislative acts and the regulatory legal acts of the Republic of Kazakhstan, adopted in accordance with them.

Footnote. Article 50 – is in the wording of the Law of the Republic of Kazakhstan dated 16 July, 1999 No. 436.

#### **Article 51.**

(Article 51 is excluded – by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154).

#### **Chapter 8-1. Promoting the stability of the financial system**

Footnote. The Law is supplemented by Chapter 8-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 51-1. Development and implementation of measures ensuring the stability of the financial system**

The National Bank of Kazakhstan independently and (or) together with other state bodies, within their competence, develops and implements measures aimed at ensuring the stability of the financial system.

The National Bank of Kazakhstan, the Government of the Republic of Kazakhstan and the authorized body for regulation, control and supervision of the financial market and financial organizations interact on the issues of stability of the financial system by:

informing each other about the proposed actions and the results achieved that are of national importance;

joint assessment of risk factors for financial stability;

development, adoption and implementation of a set of coordinated decisions in order to minimize systemic risk, prevent the emergence of a financial crisis and minimize its consequences;

conclusion of an agreement on financial stability issues.

Interdepartmental coordination on the issues of ensuring financial stability is carried out by the Financial Stability Council of the Republic of Kazakhstan, which is an advisory and consultative body under the President of the Republic of Kazakhstan.

The issues related to the adoption of the following measures aimed at ensuring financial stability are subject to preliminary consideration by the Financial Stability Council of the Republic of Kazakhstan:

on measures of implementation of macroprudential policy aimed at reducing systemic risks of the financial system;

on a set of measures of the National Bank of Kazakhstan, the Government of the Republic of Kazakhstan and the authorized body for regulation, control and supervision of the financial market and financial organizations to prevent the emergence of a financial crisis and minimize its consequences;

on measures to resolve an insolvent bank, the forced liquidation of which entails systemic risks of the financial system, including state participation in its settlement;

to finance measures to rehabilitate second-tier banks, including at the expense of the National Bank of Kazakhstan and (or) its subsidiaries.

The decision to create the Financial Stability Council of the Republic of Kazakhstan, its composition and regulations on it are approved by the President of the Republic of Kazakhstan.

In order to promote stability of the financial system, the National Bank of Kazakhstan shall:

1) conduct regular monitoring of macro-economic and macro-financial factors affecting the stability of the financial system;

2) forms macroprudential policy;

3) provides loans of last instance in the manner and on the conditions provided for by this Law and the joint regulatory legal act of the National Bank of Kazakhstan and the authorized body for regulation, control and supervision of the financial market and financial organizations;

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**Subparagraph 4) was in effect from 01.01.2016 until 31.12.2016 in accordance with Law of the Republic of Kazakhstan № 422-V as of 24.11.2015.**

4) pay one-time compensation, also through an organization specializing in the improvement of the quality of credit portfolios of second-tier banks, for deposits (monetary contributions) of individuals accepted in national currency (tenge), in connection with the transition to a free-floating exchange rate in the manner, on the conditions and within the time limits established by the Executive Board of the National Bank of Kazakhstan;

5) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

6) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020);

7) conducts transactions with derivative financial instruments with second-tier banks in the manner, on terms and conditions established by the Board of the National Bank of Kazakhstan.

8) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Footnote. Article 51-1 as amended by Laws of the Republic of Kazakhstan № 422-V as of 24.11.2015 (see the enforcement procedure in Article 2); № 128-VI as of 28.12.2017 (shall be enforced ten days after its first official publication); № 168-VI as of 02.07.2018 (shall be enforced from 01.01.2019); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020 ).

## **Article 51-2. Macroprudential policy**

Footnote. The title of Article 51-2 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Macroprudential policy is a set of measures aimed at reducing systemic risks of the financial system.

The systemic risks of the financial system are the risks of disruption in the provision of financial services, entailing a deterioration in the financial condition of the entire financial system or its part and (or) undermining its stable operation. Systemic risks of the financial system also include the risks of systemically important financial institutions.

Systemically important financial institutions are the financial institutions on the stable functioning of which the stability of the financial system depends as a whole.

In order to form a macroprudential policy, the National Bank of Kazakhstan:

1) regularly monitor systemic risks of the financial system;

2) in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations, determines the procedure for classifying financial organizations as systemically important;

2-1) generates a list of systemically important financial institutions;

3) independently or jointly with other state bodies, within the framework of their competence, submits measures for consideration by the Financial Stability Council of the Republic of Kazakhstan aimed at ensuring financial stability;

4) impose restrictions on certain types of banking and other operations by financial institutions, independently or jointly with the Government of the Republic of Kazakhstan, in case of occurrence a systemic financial crisis or its threat.

**Footnote. Article 51-2 as amended by Laws of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016); № 168-VI as of 02.07.2018 (shall be enforced ten days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

### **Article 51-3. Loans of last resort**

1. Loans of last resort are loans provided by the National Bank of Kazakhstan to banks experiencing short-term liquidity shortages.

The National Bank of Kazakhstan acts as a lender of last resort only on the following conditions:

1) the borrower shall be a bank - a resident of the Republic of Kazakhstan, which is not classified as a bank with an unstable financial situation that threatens the interests of its depositors and creditors and (or) stability of the financial system, or as an insolvent bank;

2) the loan shall be secured by assets, the list of which and the established discounts thereto are determined by the National Bank of Kazakhstan.

The value of the assets provided as collateral, taking into account the discount, must cover the size of the loan, including all interest thereon;

3) the loan is provided in national currency;

4) the interest rate on the loan is set at a level not lower than the base rate of the National Bank of Kazakhstan, taking into account the additional interest fee established by the National Bank of Kazakhstan;

5) the loan shall be provided for a period of fourteen to ninety calendar days and may not be extended more than three times. The total term of use of the loan, with account of all the extensions, may not exceed one year. The loan of last resort is extended on the conditions specified in this article.

2. The National Bank of Kazakhstan has the right to provide loans of last instance to systemically important infrastructure financial institutions.

3. In the event of non-fulfillment (improper fulfillment) by the bank of its obligations under the loan of last instance, the satisfaction of the claims of the National Bank of Kazakhstan is made out of court by conversion by the National Bank of Kazakhstan of the pledged assets to its ownership and (or) their sale by the bank in order to satisfy the claims of

the National Bank of Kazakhstan to a third party, determined by the National Bank of Kazakhstan in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations.

The assignment of the right (of claim) to assets that are collateral under a loan agreement of last resort does not require:

1) the consent of shareholders, debtors of the bank, as well as other concerned parties (including mortgagors, guarantors, sureties). In this case, the new creditor's identity is recognized to be of no substantial significance for the debtor;

2) to amend agreements, concluded by the bank with its debtors, and also with other persons (including pledgers, guarantors, sureties), for the purpose of indicating the new party to the agreement.

4. The procedure, conditions for provision and repayment of loans of last instance, as well as foreclosure on assets that are collateral under a loan of last instance, are determined by the National Bank of Kazakhstan together with the authorized body for regulation, control and supervision of the financial market and financial organizations.

**Footnote.** The Law is supplemented with Article 51-3 in accordance with Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (shall be enforced from 01.01.2019); as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 02.01.2021 No. 399-VI (shall be enforced from 01.01.2021 ).

## **Chapter 8-2. Special regulatory regime**

**Footnote.** The Law is supplemented with Chapter 8-2 in accordance with Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (shall be enforced ten days after its first official publication).

### **Article 51-4. Goals of introduction and general conditions for operating under a special regulatory regime**

1. The special regulatory regime of the National Bank of Kazakhstan is a set of special conditions for carrying out activities related to payment services.

2. A special regulatory regime is aimed at achieving the following goals:

1) increasing competition in the payment services market;

2) the introduction of new services and development of the financial market to increase the level of satisfaction and meet the interests of consumers, business entities and the state;

3) formation of optimal regulation, control and supervision of the payment services market, ensuring the protection of consumers' interests.

3. The principles of a special regulatory regime are as follows:

1) ensuring equal conditions for participation under a special regulatory regime;



2) compliance with a special regime for regulating the rights and interests of consumers by participants.

4. A special regulatory regime is introduced by a decision of the Board of the National Bank of Kazakhstan, which specifies the types of payment services and (or) activities related to payment services, special conditions for their provision (implementation) within the framework of a special regulatory regime, the procedure and conditions for applying the requirements of the legislation of the Republic of Kazakhstan to the participants of the special regulatory regime.

The total term of a special regulatory regime introduced by the National Bank of Kazakhstan does not exceed five years.

5. A special regulatory regime ceases to be effective after expiration of the period for which it was introduced.

6. The procedure for introducing and abolishing a special regulatory regime, carrying out activities under a special regulatory regime shall be approved by a regulatory legal act of the National Bank of Kazakhstan.

**Footnote. Article 51-4 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

#### **Article 51-5. Implementation of activities under a special regulatory regime**

1. Special regulatory regime participants may be financial institutions and (or) other legal entities operating in the financial sector, carrying out activities related to the concentration of financial resources and (or) payment services (hereinafter referred to as special regulatory regime participants).

2. A special regulatory regime participant shall carry out its activity in accordance with an agreement on operating under the special regulatory regime concluded with the National Bank of Kazakhstan.

A model agreement on operating under a special regulatory regime is approved by the National Bank of Kazakhstan.

A model contract on implementation of activities under a special regulatory regime must contain a condition according to which a participant in the special regulatory regime is obliged to notify service consumers about their activities under the special regulatory regime.

3. The selection criteria and procedure for considering documents for concluding an agreement on operating under a special regulatory regime are approved by the regulatory legal act of the National Bank of Kazakhstan.

4. The National Bank of Kazakhstan refuses a special regulatory regime participant to conclude an agreement on operating under a special regulatory regime if the declared type of activity does not meet the goals of introducing the special regulatory regime, when it fails to

meet the selection criteria for special regulatory regime participants and (or) submitted documents do not meet to the requirements established by the regulatory legal act of the National Bank of Kazakhstan.

5. The agreement on operating under a special regulatory regime shall terminate:

1) upon termination of the special regulatory regime in connection with the expiration of the period for which it was introduced, or its cancellation;

2) upon the expiration of the term or in case of early termination of the agreement on operating under the special regulatory regime;

3) in other cases stipulated by the civil legislation of the Republic of Kazakhstan or an agreement on operating under a special regulatory regime.

6. The National Bank of Kazakhstan has the right to unilaterally terminate an agreement on operating under a special regulatory regime in the event of a special regulatory regime participant's failure to fulfill obligations under the agreement, and also in case the special regulatory regime participant has ceased to meet the requirements established by the regulatory legal act of the National Bank Kazakhstan.

The National Bank of Kazakhstan shall notify a special regulatory regime participant of its failure to fulfill obligations specified in the agreement on operating under the special regulatory regime and the requirement to eliminate violations within sixty working days of the notification.

A participant in the special regulatory regime, within no more than five working days from the date of receipt of the notification from the National Bank of Kazakhstan, develops and submits to the National Bank of Kazakhstan an action plan to eliminate the violations and (or) causes, as well as the conditions that contributed to their commission. The action plan contains a list of planned activities, the timing of their implementation, as well as responsible officials.

If the National Bank of Kazakhstan approves the action plan, the special regulatory regime participant proceeds with its implementation and submits to the National Bank of Kazakhstan a report on the implementation of activities within the time frames established by the National Bank of Kazakhstan.

If the National Bank of Kazakhstan disapproves of the action plan, the special regulatory regime participant shall remedy the flaws indicated by the National Bank of Kazakhstan.

In case of disapproval of the action plan and (or) failure to take action to remedy the indicated flaws by the special regulatory regime participant, the National Bank of Kazakhstan shall notify it of unilateral termination of the agreement on operating under the special regulatory regime.

7. After the termination of the agreement on the implementation of activities under the special regulatory regime, a person who was previously a participant in the special regulatory regime is obliged to immediately cease activities carried out under the special regulatory regime, in respect of which the authorization procedure is in force in accordance with the

laws of the Republic of Kazakhstan, as well as fulfill obligations to its customers in the manner and terms established by the regulatory legal acts of the National Bank of Kazakhstan

8. Performance of activities in respect of which the permitting procedure is in force in accordance with the laws of the Republic of Kazakhstan, after the termination of the agreement on the implementation of activities under a special regulatory regime is illegal and entails liability established by the laws of the Republic of Kazakhstan.

**Footnote. Article 51-5 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

## **Chapter 9. OPERATIONS OF THE NATIONAL BANK OF KAZAKHSTAN**

### **Article 52. Bank account holders in the National Bank of Kazakhstan**

The owners of bank accounts in the National Bank of Kazakhstan are legal entities that have opened accounts in it in the manner established by the National Bank of Kazakhstan, and banks, branches of non-resident banks of the Republic of Kazakhstan.

**Footnote. Article 52 – is in the Law of the Republic of Kazakhstan dated 16 July, 1999 No. 436; as amended by Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 ( shall be enforced ten days after its first official publication); dated November 24, 2015 No. 422-V (shall be enforced from December 16, 2020).**

### **Article 52-1. Operations and transactions of the National Bank of Kazakhstan in national currency**

National Bank of Kazakhstan performs the following operations in national currency:

1) provides loans to organizations entitled to receive such loans in the manner prescribed by legal acts of the National Bank of Kazakhstan;

**2) is excluded by Law of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall be enforced from 01.01.2016);**

3) buys and sells state securities;

4) buys and sells deposit certificates, debt securities that the National Bank of Kazakhstan considers as suitable to provide loans;

5) accepts deposits, make payments and transfers of money, takes securities and other assets in deposit and management;

6) carries out transactions with derivative financial instruments;

7) if necessary, opens accounts in banks and financial institutions, branches of non-resident banks of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan and beyond;

7-1) places deposits in second-tier banks, including through its subsidiaries, to refinance mortgage loans and mortgage loans to individuals in the manner determined by the Board of the National Bank of Kazakhstan;

8) writes the checks and issues promissory notes;

9) performs other banking operations, as well as transactions on its own behalf in accordance with its objectives, if it is not expressly prohibited by this Law.

Footnote. It is supplemented by Article 52-1 – by the Law of the Republic of Kazakhstan dated 16 July, 1999 No. 436; as amended – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 5 July, 2006 No. 165 (the order of enforcement see Article 2); No. 422-V dated November 24, 2015 (see Article 2 for the entry into force); № 168-VI as of 02.07.2018 (shall be enforced from 01.01.2019); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

### **Article 53. Collateral**

Footnote. Article 53, as amended – by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154; Article is excluded – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004).

### **Article 54. Restrictions on operations of the National Bank of Kazakhstan**

National Bank of Kazakhstan shall not:

- serve the organization, as well as acquire shares of legal entities, except as provided by this Law;
- engage in trading and other activities, with the exception of the those permitted by applicable legislation;
- provide loans without collateral, as well as loans for a period of more than one year;
- extend the granted loans or allow the renewal of bills with expiring dates, unless otherwise expressly provided for by the laws of the Republic of Kazakhstan.

Exception of cases, specified in part one of this Article, can only be done by a special decision of the National Bank of Kazakhstan.

Footnote. Article 54 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 5 December, 1995 No. 2672, is supplemented by the second part, the last paragraph of the first part – is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 27 January, 1996 No. 2830. It is amended – by the Laws of the Republic of Kazakhstan dated 11 July, 1997 No. 154; dated 16 July, 1999 No. 436; № 168-VI as of 02.07.2018 (shall be enforced ten days after its first official publication).

## **Chapter 10 ACTIVITY OF THE NATIONAL BANK OF KAZAKHSTAN IN FOREIGN ECONOMIC RELATIONS. OPERATIONS WITH CURRENCY VALUES**

Footnote. Title of the Chapter is amended – by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154.

## **Article 55. The relationship of the National Bank of Kazakhstan with banks in other states**

Footnote. Article is excluded – by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004).

## **Article 56. Functions of the National Bank of Kazakhstan in the field of currency regulation and currency control**

The National Bank of Kazakhstan as a body of currency regulation and currency control shall:

- 1) determine the procedure for the circulation of currency valuables in the Republic of Kazakhstan;
- 2) determine the procedure for making foreign exchange transactions in the Republic of Kazakhstan, including the procedure for the purchase and sale of foreign currency in the domestic foreign exchange market of the Republic of Kazakhstan;
- 3) establishes qualification requirements for the exchange operations with foreign currency in cash exclusively through exchange offices;
- 4) determines the procedure for licensing legal entities operating exclusively through exchange offices, and issues licenses and (or) annexes to the license for exchange operations with foreign currency in cash to such legal entities;
- 5) determines the procedure for exchange operations with foreign currency in cash, including the procedure for opening exchange offices and establishing limits for the deviation of purchase rates from the sales rates of foreign currency in cash for the national currency;
- 6) determine the procedure for monitoring foreign exchange transactions and submitting information on foreign exchange transactions and accounts of residents of the Republic of Kazakhstan with foreign banks, including the procedure for registering currency agreements on capital flows, notifications of foreign exchange transactions and accounts of residents of the Republic of Kazakhstan with foreign banks and submitting information for the purposes of monitoring foreign exchange transactions;
- 7) determine the procedure for exercising export-import currency control in order to ensure the observance of the repatriation requirement by residents of the Republic of Kazakhstan;
- 8) issue special permits for foreign exchange transactions under a special currency regime ;
- 9) in consultation with state authorities, within their competence, determine the procedure and forms for accounting and reporting on foreign exchange transactions that are binding on residents of the Republic of Kazakhstan and non-residents of the Republic of Kazakhstan in the Republic of Kazakhstan, as well as the procedure and deadlines for reporting by currency control agents;

10) in cases of establishing facts of violation of the currency legislation of the Republic of Kazakhstan by authorized banks and other entities, applies limited measures of influence, supervisory response measures and sanctions in accordance with the currency legislation of the Republic of Kazakhstan.

The National Bank of Kazakhstan has the right to perform other functions in the field of currency regulation and currency control in accordance with this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Footnote. Article 56 is excluded by Law of the Republic of Kazakhstan № 168-VI as of 02.07.2018 (shall be enforced from 01.07.2019); as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

#### **Article 57. Asset management in foreign currency and precious metals**

National Bank of Kazakhstan performs the following operations with assets in foreign currency and precious metals:

- buys and sells foreign currency;

- conducts operations with securities, issued and guaranteed by the Government of the Republic of Kazakhstan in foreign currency, by foreign governments or international financial organizations;

- opens accounts in banks of the Republic of Kazakhstan, foreign central banks, foreign banks and other financial institutions that have the appropriate authorization under the legislation of the states where they are registered, as well as in international financial institutions;

- opens and maintains an account, or acts as a representative or a correspondent for the foreign central bank, foreign banks and other financial institutions that have the appropriate authorization under the legislation of the states, where they are registered, foreign governments and their agents, as well as international financial institutions;

- carries out the acceptance and storage of refined gold, other precious metals;

- conducts operations in the purchase, sale, placement for storage and deposit of refined gold and other precious metals on the domestic and foreign markets, including the purchase of refined gold within the implementation of the priority right of the state;

- in accordance with the legislation of the Republic of Kazakhstan, imports assets in foreign currency and precious metals in the Republic of Kazakhstan, as well as exports them abroad to place on their accounts in foreign banks and specialized financial institutions;

- conducts securities transactions, the requirements for which are determined by the Board of the National Bank of Kazakhstan;

- conducts transactions with money market instruments with counterparties that have a credit rating, a minimum level of which is determined by the Board of the National Bank of Kazakhstan;



conducts transactions with derivative financial instruments in accordance with the regulatory legal acts of the National Bank of Kazakhstan;  
opens and maintains metal accounts of the customer;  
performs other operations by decision of the National Bank of Kazakhstan.

National Bank of Kazakhstan carries out any currency transactions without restrictions.

To achieve the goals and objectives stipulated in this Law, the National Bank of Kazakhstan shall carry out the asset management in foreign currency and precious metals, ensuring their safety, liquidity and profitability in the long term with allowance for risk of assets investments and in accordance with the basic principles of their management.

**Footnote. Article 57 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-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 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 58. Gold and foreign currency reserves of the National Bank of Kazakhstan**

Gold and foreign currency reserves of the National Bank of Kazakhstan (hereinafter - gold and foreign currency reserves) shall be formed for the purpose of securing internal and external stability of Kazakhstani tenge from the assets of the National Bank of Kazakhstan, having high liquidity on the international markets of a capital and shall include:

- fine gold in bars and gold on metals accounts;

- reserve position in the International Monetary Fund and assets in the special drawing rights of the International Monetary Fund;

- assets in free convertible foreign currency, including cash money, deposits, placed in foreign banks, and securities, the emitters of which are the foreign governments or international financial organizations;

- other external assets, denominated in free convertible foreign currencies, having liquidity and possibility of use without restricted conditions.

National Bank of Kazakhstan shall secure the maintenance of gold and foreign currency reserves on the level, required for securing stability and convertibility of the national currency , making payments on obligations of the Republic of Kazakhstan.

Use of gold and foreign currency reserves in the form of issuing credits (loans, borrowed money) and provision of guarantees or other commitments to residents and non-residents of the Republic of Kazakhstan is not allowed, with the exception of cases, provided by decision of the Board of directors of the National Bank of Kazakhstan.

Increase and change of the structure of gold and foreign currency reserves shall be performed by the National Bank of Kazakhstan by:

- purchase of fine gold for Kazakhstani tenge and foreign currency;

purchase of assets in free convertible foreign currency for Kazakhstani tenge (including commemorative and souvenir coins) and foreign currency of residents and non-residents of the Republic of Kazakhstan, as well as of the Government of the Republic of Kazakhstan;

proceeds in free convertible foreign currency of commission and other remunerations from deposit, contribution, dealing operations with foreign currency and operations with securities, denominated in foreign currency, as well as from the credits, provided by it in foreign currency;

proceeds in gold and free convertible foreign currency from the sales, depositing and other operations with gold, conducted by the National bank of Kazakhstan, including proceeds from operations with securities of the National Bank of Kazakhstan, denominated in fine gold;

proceeds in free convertible foreign currency from securities offerings in foreign currency by the National Bank of Kazakhstan;

transfer of assets in foreign currency and precious metals to the gold and foreign currency reserves in accordance with basic principles of assets management in foreign currency and precious metals;

proceeds from the credits, received by the National Bank of Kazakhstan from international financial organizations, central banks of foreign states and other creditors;

proceeds in free convertible foreign currency from the services, rendered by the National Bank of Kazakhstan, in accordance with this Law and Regulation on the National Bank of Kazakhstan.

Reduce and change of the structure of gold and foreign currency reserves shall be performed by the National Bank of Kazakhstan by:

sales of free convertible currency for the purpose of conduct of monetary management, including a policy of exchange rate, and offset a disbalance of supply and demand on foreign currency on internal currency market;

repayment and servicing of external debt of the Republic of Kazakhstan, fulfillment of obligations of the Government of the Republic of Kazakhstan and the National Bank of Kazakhstan, international obligations of the Republic of Kazakhstan, including international obligations of the National Bank of Kazakhstan, at the expense of budget and the budget (expenditure estimate) of the National Bank of Kazakhstan;

payment of import of production (works, services), maintenance of diplomatic and other representative offices abroad, payment of business trip and representational expenses;

sale of assets in free convertible foreign currency for purchasing other foreign currency;

redemption of equity securities of the National Bank of Kazakhstan;

refund of principal sum and remuneration on the credits, received by the National Bank of Kazakhstan, as well as payments of commission and other their accompanying expenses;

transfer of gold and foreign currency reserves to the other assets in foreign currency and precious metals in accordance with basic principles of assets management in foreign currency and precious metals;

sale of fine gold for Kazakhstani tenge and foreign currency;

payment of expenses, linked with management and keeping of assets in foreign currency and precious metals;

writing off of the detrimental gold and foreign currency reserves.

Increase or reduction of gold and foreign currency reserves shall be performed as well as in the result of change of marketable value of assets, included in gold and foreign currency reserves, and operations of residents-owners of bank accounts in free convertible currency, opened in the National Bank of Kazakhstan.

**Footnote. Article 58 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-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 21.06.2013 No. 106-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 59. Priority right of the state on acquisition of fine gold for replenishment of assets in precious metals**

**Footnote. Article 59 is excluded by Law of the Republic of Kazakhstan № 445-V as of 14.01.2016 (shall be enforced twenty-one days after its first official publication).**

**Article 60. Revaluation account of gold and foreign currency assets**

**Footnote. Article 60 is excluded by the Law of the Republic of Kazakhstan dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009).**

**Chapter 11. THE PROCEDURE FOR ORGANIZING AND CARRYING OUT OF CONTROL AND SUPERVISION OF FINANCIAL MARKET AND FINANCIAL ORGANIZATIONS AND IN THE SCOPE OF FINANCIAL LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN**

**Footnote. Chapter 11 is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).**

**Chapter 12. ACCOUNTING OF THE NATIONAL BANK OF KAZAKHSTAN**

**Article 65. Financial year**

The financial year of the National Bank of Kazakhstan shall begin on 1 January and end on 31 December on calendar estimation.

**Article 66. Reporting**

National Bank of Kazakhstan shall annually present the annual report on approval of the President of the Republic of Kazakhstan.

The President of the Republic of Kazakhstan shall consider the annual report of the National Bank of Kazakhstan and adopt decision on its approval.

Footnote. Article 66 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 5 December, 1995 No. 2672; as amended by the Laws of the Republic of Kazakhstan dated 16 July, 1999 No. 436; dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 5 July, 2006 No. 165 (the order of enforcement See Article 2); dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its official publication).

#### **Article 67. Annual report**

The annual report of the National Bank of Kazakhstan shall include:

- report on monetary policy and condition of financial market;
- report on activity of the National Bank of Kazakhstan in expired year;
- annual consolidated financial reporting of the National Bank of Kazakhstan.

Footnote. Article 67 as amended by the Decree of the President of the Republic of Kazakhstan, having a force of the Law, dated 5 December, 1995 No. 2672; by the Laws of the Republic of Kazakhstan dated 11 July, 1997 No. 154; dated 16 July, 1999 No. 436; dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 8 July, 2005 No. 69.

#### **Article 68. Audit of activity of the National Bank of Kazakhstan**

By the decision of the Board of directors of the National Bank of Kazakhstan, an audit of financial accounting of the National Bank of Kazakhstan shall annually be conducted by an audit organization, having experience of an audit of the central bank of the state – a member of Organization for Economic Cooperation and Development (OECD) or countries of Commonwealth of Independent States (CIS).

Any information, received during verification shall be recognized as confidential and an audit organization shall bear responsibility for its transfer to third parties.

Audit of activity of the National Bank of Kazakhstan and its organizations by all the state bodies shall be carried out only with the consent or under the instruction of the President of the Republic of Kazakhstan.

Footnote. The third part of Article 68 as amended by the Decree of the President of the Republic of Kazakhstan, having a force of the Law, dated 5 December, 1995 No. 2672; by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 8 July, 2005 No. 69; dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009).

## **Chapter 13 FINAL PROVISIONS**

### **Article 69. Liquidation of the National Bank of Kazakhstan**

The National Bank of Kazakhstan may be liquidated by adoption of the relevant Law of the Republic of Kazakhstan. In case of liquidation of the National Bank of Kazakhstan, its property shall be transferred to a legal successor, mentioned in the relevant Law.

**Footnote. Article 69 as amended by the Decree of the President of the Republic of Kazakhstan, having a force of the Law, dated 5 December, 1995 No. 2672.**

### **Article 69-1. General financial agreement with the participation of the National Bank of Kazakhstan**

The parties to the master financial agreement with the participation of the National Bank of Kazakhstan shall carry out (apply) the offset of claims and (or) liquidation netting on the transaction (transactions) under the master financial agreement in the manner and on the terms specified in the master financial agreement.

**Footnote. Chapter 13 is supplemented by Article 69-1 in accordance with the Law of the Republic of Kazakhstan dated 12.07.2022 No. 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).**

### **Article 70. Powers on receipt of information**

In order to ensure high-quality and timely performance of the functions assigned to the National Bank of Kazakhstan, the implementation of the requirements of this Law and other laws of the Republic of Kazakhstan, the National Bank of Kazakhstan has the right to receive free of charge from any individuals and legal entities, branches of non-resident banks of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations - non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan, as well as state bodies, the necessary information, including information constituting official, commercial, banking and other secrets protected by law. In this case, the information received is not subject to disclosure.

The National Bank of Kazakhstan provides the received information specified in part one of this article to the authorized body for regulation, control and supervision of the financial market and financial organizations, including by providing it with access to the information systems of the National Bank of Kazakhstan.

State bodies, financial and other organizations, their associations (unions), as well as individuals, branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan are required to provide, at

the request of the National Bank Kazakhstan documents, reporting, including financial, and, if necessary, other additional information necessary for the National Bank of Kazakhstan to perform its functions.

Footnote. Article 70 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-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 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated November 24, 2015 No. 422-V (shall be enforced from December 16, 2020).

#### **Article 70-1. Compensatory nature of services, rendered by the National bank of Kazakhstan**

National Bank of Kazakhstan shall have the right to make banking operations and other services on a paid basis. Types and amounts of payment for the services rendered by it shall be determined by the National Bank of Kazakhstan on an independent basis.

National Bank of Kazakhstan shall not charge for banking and other services, rendered to the Government of the Republic of Kazakhstan and central authorized body for budget execution, with the exception of services on management of the National fund of the Republic of Kazakhstan, other funds and organizations.

The National Bank of Kazakhstan provides public services to individuals and legal entities, branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, branches of insurance brokers-non-residents of the Republic of Kazakhstan on a paid basis in cases stipulated by the regulatory legal acts of the Republic of Kazakhstan. The amount of payment for the public services provided to them is determined by the tax legislation of the Republic of Kazakhstan.

Footnote. Article 70-1 is supplemented by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154; in the wording of the Law of the Republic of Kazakhstan dated 3 May, 2001 No. 182; as amended by the Laws of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004); dated 5 July, 2006 No. 165 (the order of enforcement See Article 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.06.2013 No 106-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated November 24, 2015 No. 422-V (shall be enforced from December 16, 2020).

#### **Article 71. Limitation periods**

Limitation periods shall not apply to credited parties on improper execution of credit agreements on requirements of the National Bank of Kazakhstan.



Footnote. Article 71 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 72. Responsibility of the National Bank of Kazakhstan**

National Bank of Kazakhstan shall bear responsibility for nonfulfillment of its obligations in the manner, established by the Laws of the Republic of Kazakhstan.

Footnote. Article 72 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 73. Conflict of interests**

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154; Article is excluded by the Law of the Republic of Kazakhstan dated 10 July, 2003 No. 483 (shall be enforced from 1 January, 2004).

#### **Article 74. Enforcement of this Law**

Footnote. The title of Article as amended by the Law of the Republic of Kazakhstan dated 11 July, 1997 No. 154.

This Law shall enter into force from the date of publication.

The President  
of the Republic of Kazakhstan