



On Approval of the Rules for State Registration of the Issue of Units of a Unit Investment Fund

Unofficial translation

Resolution of the Board of the Agency of the Republic of Kazakhstan on Regulation and Development of the Financial Market No. 101 dated October 19, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 26, 2020 No. 21508.

Unofficial translation

In compliance with the laws of the Republic of Kazakhstan dated July 7, 2004 "On Investment and Venture Funds", dated January 12, 2007 "On the Procedure for Considering Applications of Individuals and Legal Entities", dated April 15, 2013 "On Public Services", the Board of the Agency of the Republic of Kazakhstan on regulation and development of the financial market **DECIDES**:

1. To approve the attached Rules for state registration of the issue of units of a unit investment fund.
2. The Securities Market Department, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall ensure:
 - 1) jointly with the Legal Department, state registration of this resolution with the Ministry of Justice of the Republic of Kazakhstan;
 - 2) posting of this resolution on the official Internet resource of the Agency of the Republic of Kazakhstan for the Regulation and Development of the Financial Market after its official publication;
 - 3) within ten working days after the state registration of this resolution, the submission to the Legal Department of information on the implementation of the measure provided for in subparagraph 2) of this paragraph.
3. Control over the implementation of this resolution shall be entrusted to the supervising Deputy Chairman of the Agency of the Republic of Kazakhstan for the Regulation and Development of the Financial Market.
4. This resolution shall be enforced upon the expiration of ten calendar days after the day of its official publication.

*Chairman of the Agency of the
Republic of Kazakhstan
on regulation and development
of the financial market*

M. Abylkassymova

"AGREED"

Ministry of Digital Development,
innovation and aerospace

Rules for State Registration of the Issue of Units of a Unit Investment Fund

Chapter 1. General provisions

1. These Rules for state registration of the issue of shares of a unit investment fund (hereinafter referred to as the Rules) have been developed in accordance with the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, paragraph 7 of Article 20 of the Law of the Republic of Kazakhstan "On Investment and Venture Funds" (hereinafter referred to as the Law on Investment Funds), the Law of the Republic of Kazakhstan "On public services" (hereinafter referred to as the Law on public services).

Footnote. Paragraph 1 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

2. The rules establish the conditions and procedure for state registration of the issue of units of a unit investment fund.

3. The following basic concepts and abbreviations are used in the Rules:

1) a management company, a service recipient - a professional participant in the securities market that carries out investment portfolio management activities on the basis of a license issued by an authorized body;

2) state service - state service "State registration of the issue of shares of mutual investment funds";

3) share - a registered issue-grade security of a non-documentary form of issue, confirming the share of its owner in a unit investment fund, the right to receive money received from the sale of assets of a unit investment fund and (or) other property in the case established by the Law on Investment Funds, upon termination its existence, as well as other rights related to the peculiarities of the activities of mutual investment funds, determined by the Law on Investment Funds;

4) portal - a web portal of "electronic government" www.egov.kz;

5) application - an application for state registration of the issue of units of mutual investment funds;

6) authorized body - an authorized body for regulation, control and supervision of the financial market and financial organizations.

Chapter 2. Conditions and procedure for state registration of the issue of units of a unit investment fund

4. For state registration of the issue of shares of a unit investment fund, the management company submits to the authorized body the documents specified in paragraph 1 of Article 20 of the Law on Investment Funds.

5. An application for state registration of the issue of shares of a unit investment fund with the required documents shall be submitted by the management company to the authorized body in electronic form through the portal.

The public service shall be provided by the authorized body in accordance with the public service standard in accordance with Annex 1 to the Rules.

Footnote. Paragraph 5 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

6. An employee of the service provider authorized to receive and register correspondence, on the day of receipt of the application, accepts, registers and sends it for execution to the department responsible for the provision of public services (hereinafter referred to as the responsible department). Upon receipt of the service recipient's application after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, documents are accepted on the next working day.

7. An employee of the responsible unit within 2 (two) working days from the date of registration of the application checks the completeness of the submitted documents.

If the fact of incompleteness of the submitted documents is established, the employee of the responsible unit within the specified period prepares and sends to the service recipient a written reasoned refusal to further consider the application.

8. When establishing the fact of completeness and (or) lack of expiration of the submitted documents, the employee of the responsible unit within 10 (ten) working days shall review the documents for compliance with the requirements of the legislation of the Republic of Kazakhstan and prepare a draft letter on the issuance of a certificate of state registration of the issue of shares or refusal to the provision of public services.

When identifying grounds for refusing to provide a public service, the service provider shall notify the service recipient of the preliminary decision to refuse to provide the public service, as well as the time and place (method) of the hearing to provide the service recipient with the opportunity to express a position on the preliminary decision.

Notification of the hearing shall be sent at least 3 working days before the end of the term for the provision of the public service. The hearing shall be held no later than 2 working days from the date of notification.

Based on the results of the hearing, the service provider shall issue a letter of issuance of a certificate or a reasoned refusal to provide a public service.

Footnote. Paragraph 8 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

9. Information on the stage of the provision of public services is updated automatically in the information system for monitoring the provision of public services in accordance with the procedure established by the authorized body in the field of informatization.

The Service Provider ensures that data on the stage of rendering public services are entered into the information system for monitoring the provision of public services in the manner prescribed by the authorized body in the field of informatization.

In the event of a failure of the information system containing the necessary information for the provision of public services, the service provider within 1 working day notifies the operator of the information and communication infrastructure of "electronic government" (Operator) by sending a request to the unified support service by e-mail sd@nitec.kz with the obligatory by providing information on the name of the public service, the number and code of the administrative document of the application (NaCAD), or the unique identification number of the application (UINA), the number and code of the administrative document (NaCAD PD), or the unique identification number of the permitting document (UaNPД), individual identification number (IIN), or business identification number (BIN) of the service recipient, with the attachment of step-by-step screenshots from the moment of authorization until the moment the error occurs, indicating the exact time of the error.

10. If the documents submitted by the management company for the state registration of the issue of shares of a unit investment fund comply with the requirements of the legislation of the Republic of Kazakhstan on investment funds, the authorized body shall send in the form of an electronic document to the "personal account" of the management company a certificate of state registration of the issue of shares of the unit investment fund in the form in accordance with Annex 2 to the Rules and the rules of the mutual investment fund.

Footnote. Paragraph 10 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

11. The authorized body refuses state registration of the issue of shares of a unit investment fund in the following cases:

1) inconsistency of the submitted documents with the requirements established by the legislation of the Republic of Kazakhstan;

2) the presence of contradictory or inaccurate information contained in the rules of the unit investment fund, amendments and additions to them and other documents submitted for approval;

3) inconsistency of the activities of the management company with the requirements established by the legislation of the Republic of Kazakhstan.

Chapter 3. The procedure for appealing decisions, actions (inaction) of the authorized body and (or) its officials on the provision of public services

12. Consideration of a complaint regarding the provision of public services shall be carried out by a higher official of the authorized body, an authorized body for assessing and monitoring the quality of the provision of public services.

The complaint shall be submitted to the service provider and (or) the official of the service provider, whose decision, or action (inaction) is being appealed.

Unless otherwise provided by the Law on Investment Funds, the Law on Public Services, an appeal to the court shall be carried out after an appeal in the pre-trial procedure.

Footnote. Paragraph 12 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

13. In the complaint sent to the head of the authorized body, the legal entity shall indicate the name, postal address, outgoing number and date.

Confirmation of the acceptance of the complaint by the head of the authorized body is its registration (stamp, incoming number and date) in the office of the authorized body indicating the surname and initials of the employee of the authorized body who accepted the complaint, the time and place for receiving a response to the submitted complaint.

The complaint specified in part one of this clause is considered within five working days from the date of its registration.

When contacting through the portal, information on the procedure for appeal can be obtained by calling the single contact center: 8-800-080-7777 or 1414.

When a complaint is sent through the portal to the service recipient from the "personal account", information about the complaint is available, which is updated during the processing of the complaint by the authorized body (notes on delivery, registration, execution, response on consideration or refusal to consider).

State Service Standard "State registration of the issue of shares of mutual investment funds"

Footnote. Annex 1 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

1.	Name of the service provider	The Agency of the Republic of Kazakhstan for the regulation and development of the financial market (hereinafter referred to as the Authorized body).
2.	Ways of public service provision	The web portal of "electronic government" www.egov.kz (hereinafter referred to as the Portal).
3.	Terms of public service provision	15 (fifteen) working days
4.	Form of public service provision	Electronic (fully automated).
5.	The result of public service provision	<p>Certificate of state registration of the issue of shares of a mutual investment fund in the form in accordance with Annex 2 to the Rules and in electronic form of the rules of the investment fund in the event of state registration of the issue of shares of a mutual investment fund or a reasoned response to the refusal to provide public services on the grounds provided for in paragraph 9 of this Standard of public services.</p> <p>Form of providing the result of the provision of public services: electronic.</p>
6.	The amount of payment charged from the service recipient in the provision of public services, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	The public service shall be provided free of charge.
7.	Schedule	1) portal - around the clock, except for technical breaks due to repair work (when the service recipient contacts after the end of working hours, on weekends and holidays in accordance with the Labor Code of the Republic of Kazakhstan (hereinafter referred to as the Code), applications shall be accepted and the results of the provision of public services shall be sent the next working day);

		2) authorized body - from Monday to Friday from 9.00 to 18.30 with a lunch break from 13.00 to 14.30, except weekends and holidays, in accordance with the Code.
8.	List of documents required for the public service provision	<p>1) an application in the form of an electronic document, certified by the EDS of the service recipient;</p> <p>2) a copy of the decision to create a unit investment fund, adopted by the board of directors or the general meeting of shareholders (the sole shareholder owning all voting shares) of the management company in accordance with its charter (in the form of an electronic document);</p> <p>3) the rules of the mutual investment fund approved by the board of directors or the general meeting of shareholders (the sole shareholder owning all voting shares) of the management company in accordance with its charter (in the form of an electronic document);</p> <p>4) internal documents of the management company that regulate the conditions and procedure for activities, the activities of structural divisions and employees of the management company for the creation, maintenance, operation and termination of the existence of a unit investment fund that meets the requirements established by the legislation of the Republic of Kazakhstan on the securities market if these documents were not previously agreed with the authorized body (in the form of an electronic document).</p> <p>information on state registration (re-registration) of a legal entity from the relevant state information systems through the e-government gateway.</p>
9.	Grounds for refusal to provide public services, established by the	<p>1) non-compliance of the submitted documents with the requirements established by the legislation of the Republic of Kazakhstan;</p> <p>2) the presence of contradictory or unreliable information contained in the rules of the mutual investment fund, amendments and additions to</p>

	legislation of the Republic of Kazakhstan	them and other documents submitted for approval; 3) non-compliance of the activities of the management company with the requirements established by the legislation of the Republic of Kazakhstan.
10.	Other requirements, taking into account the specifics of the public service provision	Addresses of places for the provision of public services and contact numbers of information services on the provision of public services shall be posted on the official Internet resource of the authorized body and the portal. The service recipient has the opportunity to receive information about the procedure and status of the provision of public services in remote access mode through the "personal account" of the portal, as well as a single contact centre for the provision of public services. In case of detection of a failure or technical problems on the portal, one must contact the Unified Contact Center for the provision of public services. Single contact centre for the provision of public services: 8-800-080-7777 or 1414.

Annex 2
to the Rules for state registration
of the issue of shares of a unit
investment fund

Certificate of state registration of the issue of shares of a mutual investment fund

Footnote. Annex 2 - as amended by the Resolution of the Board of the Agency of the Republic of Kazakhstan for Regulation and Development of the Financial Market dated September 24, 2021 No. 96 (shall come into effect ten calendar days after the day of its first official publication).

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The Agency of the Republic of Kazakhstan for the regulation and development of the financial market

has made the state registration of the issue of shares _____

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(full name and location of the mutual investment fund)

created by _____

—

—

(name of the management company)

The shares of this issue have been assigned an international identification number

(ISIN code) _____

—

Reason for replacing the certificate of state registration of the issue of shares

(to be filled in in case of replacement of the certificate of state registration of the issue of shares):

Authorized person _____

(signature or EDS) (surname, initials) Stamp here (for paper form)