**Accounting registration of foreign exchange agreements on capital flows and notification of accounts with foreign banks[[1]](#endnote-1)**

***(in force since July 01, 2019)***

|  | **Capital flow transactions,**  **accounts with foreign banks** | **Banks, branches of foreign banks operating in the territory of the Republic of Kazakhstan (own operations)** | **Other financial institutions,**  **non-financial institutions** | **Individuals** | **Authorized banks** |
| --- | --- | --- | --- | --- | --- |
| 1 | Equity participation |  | Registration with the territorial branches of the National Bank (hereinafter referred to as TB NBRK)[[2]](#endnote-2) | Registration with the TB NBRK 2 | Notification to the headquarter of the National Bank (hereinafter referred to as HQ NBRK) on foreign exchange transactions, including on behalf of clients, in the form of a report in accordance with Appendix 9 to the Rules[[3]](#endnote-3)  *Exception:*  *foreign exchange transactions of the AIFC participants carried out on its territory, as well as the purchase (sale) of foreign currency in cash through exchange offices* |
| *Exception:*  *1) an agreement for the sale by a resident to a non-resident of shares, stakes in the capital of a non-resident investment object, if the resident previously received a registration number for a foreign exchange agreement on the capital flow on the resident's participation in the capital (acquisition by a resident of shares, stakes) of a non-resident investment object;*  *2) an agreement for the repurchase by a resident investment object from a non-resident of his own shares, stakes in the capital, if the resident has previously received a registration number for a foreign exchange agreement on the capital flow on the participation of a non-resident in the capital of the resident investment object* | |
| 2 | Financial loans | Notification to the HQ NBRK in the form of a report on Appendix 7 to the Rules [[4]](#endnote-4) on the conditions for attracting financial loans from non-residents | Registration with the TB NBRK 2 | Registration with the TB NBRK 2 |
| *Exception: agreements on state foreign loans of the Republic of Kazakhstan, non-state foreign loans with state guarantees of the Republic of Kazakhstan* | |
| 3 | Transactions with securities, stakes and financial derivatives5 |  | Registration with the TB NBRK 2 | Registration with the TB NBRK 2 |
| *Exception:*  *1) placement and (or) acquisition:*  *- government securities of the Republic of Kazakhstan;*  *- securities of a resident issuer issued in accordance with the legislation of another state and on its territory (including depositary receipts, the underlying asset of which is the securities of a resident issuer);*  *- securities of a non-resident issuer issued in accordance with the legislation of the Republic of Kazakhstan (including Kazakhstani depositary receipts);*  *2) purchase on the secondary market:*  *- by a resident from a non-resident of debt securities of a resident issuer, issued in accordance with the legislation of the Republic of Kazakhstan;*  *- by a non-resident from a resident of debt securities of a non-resident issuer, issued in accordance with the legislation of another state and on its territory* | |
| 4 | Acquisition of property real estate, with the exception of movable things, equated or referred to real estate by the laws of the Republic of Kazakhstan |  | Registration with the TB NBRK 2 |  |
| 5 | Acquisition of fully exclusive rights to intellectual property objects |  | Registration with the TB NBRK 2 | Registration with the TB NBRK 2 |
| *Exception: the acquisition of a fully exclusive right to the result of intellectual creative activity* | |
| 6 | Transfer of money and other property in fulfillment of the obligations of a participant in a joint activity, as well as in trust |  | Registration with the TB NBRK 2 | Registration with the TB NBRK 2 |
| 7 | Transfer of money and financial instruments to professional securities market participants who carry out foreign exchange operations on behalf of clients |  | Registration with the TB NBRK 2 | Registration with the TB NBRK 2 |
| 8 | Free transfer of money and other currency values |  | Registration with the TB NBRK 2  *Exception: an agreement on the free transfer by a resident to a non-resident (non-resident to a resident) of money or other currency values, if as a result of such a transfer, obligations are fulfilled or terminated or the ownership of currency values is alienated, under a currency agreement on the capital flow, for which the resident previously received a registration number* |  |
| 9 | Opening a bank unallocated metal account with a foreign bank |  | Notification to the TB NBRK (with obtaining a registration number for the account)  *Exception: an account of a foreign organization’s branch (representative office) and a participant of the AIFC* |  |

1. According to the Law of the Republic of Kazakhstan "On foreign exchange regulation and foreign exchange control" No. 167-VI dated 02.07.2018 and the Rules for monitoring foreign exchange transactions in the Republic of Kazakhstan, approved by the Resolution of the Board of the National Bank of the Republic of Kazakhstan No. 64 dated 10.04.2019 (hereinafter referred to as the Rules). [↑](#endnote-ref-1)
2. Accounting registration is required for foreign exchange agreements on the capital flow in the amount exceeding 500,000 US dollars in equivalent, and also if the amount of the contract is not indicated in the foreign exchange agreement on the capital flow on the date of its signing (if it is absent - on the date of entry into force) (clauses 9 and 10 of the Rules).

   **Not subject to accounting registration**:

   foreign exchange capital flow contracts, the participants of which are: NBRK and (or) the Ministry of Finance of the Republic of Kazakhstan; AIFC participants and operations are carried out on the territory of the AIFC;

   foreign exchange contracts within the framework of which operations of the capital flow are:

   conducted by foreign institutions of the Republic of Kazakhstan;

   conducted by branches (representative offices) of foreign organizations operating in the territory of the Republic of Kazakhstan;

   own operations of the capital flow of banks, insurance (reinsurance) organizations, brokers and (or) dealers, management companies, branches of banks - non-residents of the Republic of Kazakhstan and branches of insurance (reinsurance) organizations - non-residents of the Republic of Kazakhstan operating in the territory of the Republic of Kazakhstan;

   associated with the investment of own and (or) pension assets of the UAPF and voluntary PF;

   carried out on the basis of an agreement on the provision of brokerage services concluded with a resident broker, or on the basis of an investment portfolio management agreement concluded with a resident investment portfolio management company.

   advances for participation in tenders on collateral property - securities, instruments of participation in capital, real estate. [↑](#endnote-ref-2)
3. For foreign exchange transactions in the amount equal to or exceeding 50,000 US dollars in equivalent. [↑](#endnote-ref-3)
4. Appendix 7 is completed for loans exceeding 500,000 US dollars in equivalent and for a period of more than 180 days.

   5 Transactions involving a financial derivative that is acquired for the purpose of using or selling the underlying asset and cannot be transferred (sold) regardless of the underlying asset are treated as foreign exchange transactions with the underlying asset. [↑](#endnote-ref-4)