

## **On precious metals and precious stones**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated 14 January 2016 № 444-IV.

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This Law regulates the public relations that arise in the production of precious metals and the turnover of precious metals and precious stones, commodities containing precious metals, jewelry and other products made of precious metals and precious stones.

## **Article 1. Basic concepts used in this Law**

The following basic concepts are used in this Law:

- 1) precious stones - natural diamonds, emeralds, rubies, sapphires and alexandrites, as well as natural pearls in raw (natural) and processed form. Unique amber formations are equated to precious stones;
- 2) expertise of precious stones, jewelry and other items made of precious metals and precious stones (hereinafter - expertise) is organization and carrying out of tests carried out by authorized organizations, including identification of precious stones and testing of precious metals in jewelry and other products made of precious metals and precious stones , verification of authenticity of impressions of assay marks;
- 3) identification of precious stones is establishing conformity of classification and cost characteristics of precious stones to the requirements of normative and technical documentation;
- 4) name-registration is a special sign applied to jewelry and other products made of precious metals and precious stones and certifying the manufacturer of jewelry and other products made of precious metals and precious stones;
- 5) affinage (refining) is the process of purification of precious metals from impurities and related components, bringing precious metals to the quality corresponding to the national or international standard;
- 6) affined (refined) gold is gold, obtained as a result of refining in the form of bullions, plates, granules and powder;
- 7) precious metals are gold, silver, platinum and metals of the platinum group (palladium, iridium, rhodium, ruthenium and osmium) in any state and form;
- 8) precious metal nuggets that are not subjects to refining are nuggets of precious metals that differ sharply in size from the prevailing precious metal particles in this particular deposit

and have a mass of more than 0.3 grams, isolated from minerals of precious metals, intended for circulation on the inside and external markets, use in production, scientific, socio-cultural purposes;

9) scrap and waste of precious metals - products and (or) their constituent parts that are disreputable, lost operational value or subject to elimination which contain precious metal, as well as the remains of precious metal containing materials, intermediate products of metallurgical production, formed during the production and use of products of technical and domestic use, including incorrigible defect, which can be used for further processing to extract precious metals;

10) production of precious metals is an extraction of precious metals from mined complex ores, concentrates and other intermediate products containing precious metals, from scrap and waste of precious metals, as well as refining of precious metals;

11) subjects of precious metals production are legal entities of the Republic of Kazakhstan, which carry out the production of precious metals on the territory of the Republic of Kazakhstan;

12) jewelry and other items made of precious metals and precious stones (hereinafter - jewelery and other products) are products, except for coins made of precious metals, precious stones, precious metals and their alloys using various types of artistic processing, with inserts from precious stones and other materials of natural or artificial origin or without them, used as various ornaments, utilitarian objects of everyday life and (or) for religious and decorative purposes;

13) turnover of precious metals and precious stones, commodities containing precious metals, jewelry and other products - import, export, performing civil transactions with precious metals and precious stones, commodities containing precious metals, jewelry and other products, purchase of refined gold by the state under the priority law, as well as the use of precious metals and precious stones for investment and other needs;

14) subjects of production of jewelry and other products are individual entrepreneurs and legal entities that manufacture jewelry and other products;

15) investment gold is gold, which meets the following requirements:

for gold coins:

such gold coins which do not have numismatic value;

the purity of gold coins is equal to or greater than 900 thousand shares per 1,000 shares of the total mass (corresponding to 900 samples, 900 ppm, 90.0 percent or 21.6 carats).

In this case, the gold coin is recognized as having numismatic value when one of the following requirements is met:

minted before the year 1800;

minted by technology providing a mirror surface, quality "proof" (proof);

has a circulation of no more than 1,000 copies;

its market price exceeds the value of gold contained in the coin by more than 80 percent.

The value of gold contained in a coin is determined by multiplying the morning fixing (price quotation) of gold that is set (which is set) by London Association of Precious Metals Market at the date the gold coin sale to the market exchange rate established on that date.

For the rest of the gold:

such gold is affined (the purity of such gold is equal to or greater than 995 thousandths per 1,000 shares of the ligature mass (corresponding to 995 samples, 995 ppm, 99.5 percent or 23.88 carats);

such gold corresponds to the national or international standard, is made in the form of a measured or standard bullion and / or plate with the following marking on them:

for a standard bullion and (or) plate:

serial number (may include year of manufacture);

the manufacturer's trademark;

purity (mass share) of gold;

year of manufacture, if not included in the serial number;

for a measured bullion:

the name of the metal;

the manufacturer's trademark;

purity (mass share) of gold;

mass of bullion;

16) commodities containing precious metals are unprocessed precious metals (including Dore alloy in the form of bullions, cathode metals), zinc deposits, scrap and waste of precious metals, precious metal ores and concentrates, ores, concentrates and non-ferrous metals, intermediate products of non-ferrous metals, containing precious metals;

17) threshold values of content of harmful impurities and precious metals in raw materials containing precious metals - established for the purposes of state control when exporting commodities containing precious metals from the territory of the Republic of Kazakhstan, the maximum permissible content of harmful impurities and the minimum content of precious metals, determining the possibility of their industrial extraction from commodities containing precious metals used to determine the possibility (impossibility) of processing of primary commodities containing precious metals by subjects of precious metals production on the territory of the Republic of Kazakhstan;

18) unprocessed natural diamonds are diamonds in their natural state, unprocessed and (or ) partially processed (chopped, sawn, with a girdle applied);

19) sample is the amount of mass shares of pure precious metal in a thousand shares of the precious metal alloy;

20) sampling is determination or confirmation of a sample of precious metals, jewelry and other products using established methods;

21) test mark is a sign of the established pattern, applied to jewelry and other products that certify the precious metal sample in such products;

22) branding is drawing an imprint of assay stamps on jewelry and other products;

23) the authorized body is the central executive body that carries out the management, and also within the limits stipulated by the legislation of the Republic of Kazakhstan, intersectoral coordination in the field of regulation of precious metals production and turnover of precious metals and precious stones, raw materials containing precious metals, jewelry and other products;

24) the authorized organization is a legal entity accredited in accordance with the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment for conducting an expertise.

## **Article 2. Legislation of the Republic of Kazakhstan in the field of precious metals and precious stones**

1. Legislation of the Republic of Kazakhstan in the field of precious metals and precious stones is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other normative legal acts of the Republic of Kazakhstan.

2. Public relations in the field of exploration and extraction of precious metals and precious stones are regulated by the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

3. If an international treaty ratified by the Republic of Kazakhstan establishes other norms than those contained in this Law, then the norms of the international treaty are applied.

## **Article 3. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan:

1) develops the main directions of the state policy in the field of precious metals production, turnover of precious metals and precious stones, raw materials containing precious metals, jewelry and other products and organizes their realization;

2) approves the rules for the import into the territory of the Republic of Kazakhstan from the countries that are not members of the Eurasian Economic Union, and the export from the territory of the Republic of Kazakhstan to these countries of precious metals and raw materials containing precious metals;

3) approves the rules for the import into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union and export from the territory of the Republic of Kazakhstan to these countries of precious stones, jewelry and other products;

4) approves the rules for the import into the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of unprocessed natural diamonds taking into account the Kimberley Process certification scheme;

5) performs other functions entrusted to it by the Constitution of the Republic of Kazakhstan, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

#### **Article 4. Competence of the authorized body**

An authorized body:

1) realizes the state policy in the field of precious metals production, turnover of precious metals and precious stones, raw materials containing precious metals, jewelry and other products;

2) develops the rules for the import into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union, and the export from the territory of the Republic of Kazakhstan to these countries of precious metals and raw materials containing precious metals;

3) develops the rules for the import into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union, and the export from the territory of the Republic of Kazakhstan to these countries of precious stones, jewelry and other products;

4) develops the rules for the import into the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of unprocessed natural diamonds taking into account the Kimberley Process certification scheme;

5) develops and approves the rules for carrying out an expertise;

6) approves normative documents for commodities containing precious metals;

7) confirms the exit rates of processed products from precious metals and raw materials containing precious metals reflected in the submitted documents when they are imported to the territory of the Republic of Kazakhstan and exported from the territory of the Republic of Kazakhstan for processing;

8) develops and approves rules for determining threshold values for the content of harmful impurities and precious metals in raw materials containing precious metals;

9) establishes threshold values for the content of harmful impurities and precious metals in raw materials containing precious metals for each subject of precious metals production which are on the list approved by the authorized body, taking into account their individual technological capabilities by types of commodities;

10) develops and approves rules for the formation of the list of subjects of precious metals production;

11) exercises other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

## **Article 5. Competence of National Bank of the Republic of Kazakhstan**

National Bank of the Republic of Kazakhstan:

1) implements the priority right of the state to purchase refined gold for the replenishment of assets in precious metals;

2) determines the procedure for the implementation of the state's priority right to purchase refined gold for the replenishment of assets in precious metals;

3) carries out control tests of samples (patterns) of precious metals and raw materials containing precious metals, in cases provided for by the legislation of the Republic of Kazakhstan;

4) 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 after its first official publication);

5) exercises other 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 5 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 No. 168-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 6. State control over the circulation of precious metals and precious stones, commodities containing precious metals, jewelry and other products**

1. The authorized body exercises state control:

1) when importing into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union and exporting from the territory of the Republic of Kazakhstan to these countries of precious metals and raw materials containing precious metals, with the exception of ores, concentrates and non-ferrous metals containing precious metals;

2) when importing into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union and exporting from the territory of the Republic of Kazakhstan to these countries of precious stones, jewelry and other products, coins made of precious metals;

3) when importing to the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union, and exporting from the territory of the Republic of Kazakhstan to these countries, ores, concentrates and non-ferrous metals cinders, non-ferrous metal intermediate products containing precious metals;

4) in the realization of jewelry and other products.

2. The state control provided by subparagraph 1) of paragraph 1 of this article shall be carried out in accordance with the decisions of Eurasian Economic Commission, the legislation of the Republic of Kazakhstan and includes:

1) verification of a batch of precious metals, raw materials containing precious metals, except for ores, concentrates and non-ferrous metals cinders, semi-products of non-ferrous metals, for compliance with the data specified in the accompanying documentation, including regulatory technical and / or technical documentation;

2) evaluation of precious metals cost taking into account the prices of the world market;

3) determination of the source of precious metals origin, commodities containing precious metals;

4) control of compliance with the requirements of the legislation of the Republic of Kazakhstan in dealing with precious metals and commodities containing precious metals;

5) control of content of precious metals and associated recoverable metals in raw materials containing precious metals;

6) verification of possibility (impossibility) and economic expediency (inexpediency) of industrial extraction of precious metals from commodities in the Republic of Kazakhstan on the basis of documents on the content of precious metals and associated recoverable metals or verification of economic inexpediency or impossibility of processing primary commodities containing precious metals on the territory of the Republic of Kazakhstan.

3. The state control provided for in subparagraph 2) of paragraph 1 of this article shall be carried out in accordance with the decisions of the Eurasian Economic Commission, the legislation of the Republic of Kazakhstan through customs posts determined by the authorized body in the field of customs affairs.

4. The state control provided by subparagraph 3) of paragraph 1 of this article shall be carried out in accordance with the decisions of the Eurasian Economic Commission, the legislation of the Republic of Kazakhstan and includes the actions provided for by subparagraphs 3), 4), 5) and 6) of paragraph 2 of this article.

5. State control provided by Subparagraph 4) of Paragraph 1 of this Article shall be carried out in the form of inspection and preventive control with visiting the entity (object) subject to control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and preventive control without visiting the entity (object) subject to control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

5-1. The objectives of preventive control without visiting the entity (object) subject to control shall be timely restraint and avoidance of violations, granting the right to manufacturer and (or) distributor of jewelry and other products to independently eliminate violations identified by the authorized agency based on the results of preventive control without visiting the entity (object) subject to control and reduce the administrative workload on manufacturer and (or) distributor of jewelry and other products.

5-2. Preventive control without visiting the entity (object) subject to control shall be carried out by mutual comparing the data available at the authorized agency:

1) information from authorized organizations;

2) information of other authorized state agencies;

3) information obtained from various sources of information on the activities of manufacturer and (or) distributor of jewelry and other products.

5-3. Preventive control without visiting the entity (object) subject to control shall be carried out by the authorized agency on a quarterly basis no later than the 25 day of the month following the reporting period.

5-4. In case of detection of violations according to the results of preventive control without visiting the entity (object) subject to control in actions (inaction) of manufacturer and (or) distributor of jewelry and other products, the authorized agency shall draw up and send a notification with attachment of description of the detected violations within five working days from the date of detection of violations.

5-5. The notification should be delivered to manufacturer and (or) distributor of jewelry and other products personally by hand or in another way, confirming the facts of sending and receiving.

By this, a notification sent by one of the following ways shall be considered to be delivered to manufacturer and (or) distributor of jewelry and other products in the following cases:

1) by personal delivery - from the date of acknowledgement of receipt the notification by manufacturer and (or) distributor of jewelry and other products;

2) by electronic means - from the date of sending by the authorized agency on e-mail address of manufacturer and (or) distributor of jewelry and other products specified in the application when registering the name of the manufacturer of jewelry and other products with an authorized organization;

3) by mail - registered mail.

5-6. The notification on elimination of violations detected by the results of preventive control without visiting the entity (object) subject to control should be executed by manufacturer and (or) distributor of jewelry and other products within ten working days from the day following the day of its delivery (receipt), except for cases when a longer execution term shall be indicated in the request itself.

5-7. In case of disagreement with the violations indicated in the notification, the manufacturer and (or) distributor of jewelry and other products shall have the right to send an objection to the authorized agency that sent the notification within five working days from the day following the day of delivery (receipt) of the notification.

5-8. The authorized agency shall analyze a report on execution of notification submitted by manufacturer and (or) distributor of jewelry and other products and draw up a conclusion on confirmation and (or) non-confirmation of the detected violations according to the results of preventive control without visiting the entity (object) subject to control in the form approved by the authorized agency.



The conclusion specified in this Paragraph shall be drawn up within five working days from the day following the day for submitting a report on execution of notification by manufacturer and (or) distributor of jewelry and other products.

5-9. Failure to comply with the established term for the notification of elimination of violations detected by the results of preventive control without visiting the entity (object) subject to control shall entail assignment of preventive control with visiting the entity (object) subject to control in relation to manufacturer and (or) distributor of jewelry and other products.

6. Results of state control:

1) provided for in subparagraph 1) of paragraph 1 of this article, shall be executed by the authorized body:

when importing - in the form of state control act issued for each consignment of goods;

when importing for processing - in the form of state control act issued for each consignment of goods, a document on the conditions of goods processing;

when exporting - in the form of state control act issued for each consignment of goods, export licenses and conclusions on the possibility (impossibility) and economic expediency (inexpediency) of industrial extraction of precious metals from commodities in the Republic of Kazakhstan;

when exporting for processing - in the form of state control act issued for each consignment of goods, a document on conditions for processing goods, a conclusion on economic inexpediency or impossibility of processing primary commodities containing precious metals on the territory of the Republic of Kazakhstan;

2) provided for in subparagraph 2) of paragraph 1 of this article, shall be formalized by the authorized body in the form of state control act issued for each consignment of goods;

3) provided for in subparagraph 3) of paragraph 1 of this article, shall be formalized by the authorized body:

when importing for processing - in the form of a document on the conditions of processing of goods;

when exporting - in the form of an export license and the conclusion on the possibility (impossibility) and economic expediency (inexpediency) of industrial extraction of precious metals from commodities in the Republic of Kazakhstan;

when exporting for processing - in the form of a document on the conditions of goods processing, a conclusion on the economic inexpediency or impossibility of processing primary commodities containing precious metals on the territory of the Republic of Kazakhstan.

7. Control of the contents of exported precious metals and associated recoverable metals in raw materials containing precious metals shall be carried out by:

submission of documents on the content of precious metals and associated recoverable metals under licensing procedures;

issue of a conclusion on the possibility (impossibility) and economic expediency (inexpediency) of industrial extraction of precious metals from commodities in the Republic of Kazakhstan;

issue of a conclusion on economic inexpediency or impossibility of processing raw materials containing precious metals on the territory of the Republic of Kazakhstan;

registration of state control act for each consignment of exported primary commodities containing precious metals.

Selection of representative samples from exported primary commodities containing precious metals for the purposes of state control of the content of precious metals in them is carried out in accordance with the procedure established by the normative technical documentation of the Republic of Kazakhstan, with the formulation of an act on sampling in the order and form determined by the authorized body.

The document on the content of precious metals for the purposes of state control is issued by an accredited testing laboratory and must contain information on the specific content of all precious metals in raw materials containing precious metals.

8. The state control provided for by subparagraphs 1) and 2) of paragraph 1 of this article shall not be exercised:

1) in relation to the National Bank of the Republic of Kazakhstan for the import and (or) export of precious metals, including coins made of precious metals;

2) when importing and (or) exporting precious metals and (or) precious stones, including jewelry and other items, coins made of precious metals by individuals, as goods for personal use;

3) when importing and (or) exporting radioactive and stable isotopes of precious metals and articles based on them;

4) when exporting cultural assets containing precious metals and (or) precious stones.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 7. Peculiarities of import into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union and export from the territory of the Republic of Kazakhstan to these countries of precious metals , precious stones, commodities containing precious metals, jewelry and other products**

1. When importing into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union and exporting from the territory of the Republic of Kazakhstan of precious metals and raw materials containing precious metals to these countries, the authorized body in case of inconsistency of documents on the content of

precious metals with the terms of the contract and normative technical documentation sends an application to the National Bank of the Republic of Kazakhstan for exercising control tests of samples (patterns) of precious metals and raw materials containing precious metals.

2. When importing into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union, precious stones, jewelry and other products prior to customs operations related to customs declaration and customs clearance, an expertise shall be carried out and state control shall be exercised, except for the cases established by the decision of the Eurasian Economic Commission.

3. When exporting from the territory of the Republic of Kazakhstan to countries that are not members of the Eurasian Economic Union, precious stones, jewelry and other products, expertise shall be carried out and state control shall be exercised.

4. For importing into the territory of the Republic of Kazakhstan from countries that are not members of the Eurasian Economic Union and exporting from the territory of the Republic of Kazakhstan to these countries of precious metals and precious stones, jewelry and other products, commodities containing precious metals, individual entrepreneurs and legal entities shall be obliged to notify the authorized body on the beginning or termination of their activities in the manner prescribed by the Law of the Republic of Kazakhstan "On Permits and Notifications".

The requirement of this paragraph does not apply to the National Bank of the Republic of Kazakhstan.

5. Import to the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of unprocessed natural diamonds shall be carried out in accordance with the certification scheme of the Kimberley Process.

**Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated November 25, 2019 No. 272-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

## **Article 8. Manufacture of precious metals**

1. Precious metals, with the exception of precious metals nuggets that are not subject to refining, commodities containing precious metals must be supplied for processing and (or) refining to the subjects of precious metals production, except for the cases provided for in this article.

2. A person who intends to export commodities containing precious metals from the territory of the Republic of Kazakhstan shall be obliged, in the order determined by the authorized body, to receive an appropriate refusal from all subjects of precious metals production on the list approved by the authorized body, or confirmation of the authorized body on presence of such a refusal.

At the same time, the refusal for the purposes of this paragraph will also be the failure by the entities of precious metals production specified in the first part of this clause to meet the conditions established by the authorized body.

The reasons for refusing to process and (or) affintage of raw materials containing precious metals may be:

1) technological impossibility of processing and (or) refining, including the inconsistency with the threshold values of the content of harmful impurities and precious metals in raw materials containing precious metals;

2) the lack or insufficient production capacity for processing and (or) refining the proposed volume of primary commodities containing precious metals;

3) economic inexpediency of ores processing, concentrates and ashes of non-ferrous metals, semi-products of production of non-ferrous metals containing precious metals.

3. In cases provided for in paragraph 2 of this article, the export of primary commodities containing precious metals from the territory of the Republic of Kazakhstan is carried out in accordance with the legislation of the Republic of Kazakhstan.

4. The affintage of precious metals, raw materials containing precious metals that have undergone the necessary processing performed outside the territory of the Republic of Kazakhstan, does not entail the transfer of ownership of precious metals.

## **Article 9. The priority right of the state to purchase refined gold for the replenishment of assets in precious metals**

1. The state shall have the priority right to conclude transactions for the acquisition of refined gold for the replenishment of assets of the National Bank of the Republic of Kazakhstan in precious metals with the subjects of precious metals production and persons who have become owners of refined gold as a result of processing.

2. The subjects of precious metals production and persons who have become owners of refined gold as a result of processing, sell refined gold produced in the territory of the Republic of Kazakhstan or abroad, in priority order to the National Bank of the Republic of Kazakhstan.

3. The subjects of precious metals production and persons who have become owners of refined gold as a result of processing, submit to the National Bank of the Republic of Kazakhstan charts of prognosis of production and sales of refined gold for the first half of the next year until November 1<sup>st</sup> of this year, for the second half of this year - until May 1<sup>st</sup> of current year.

4. The National Bank of the Republic of Kazakhstan, based on the prognosis of production and sales of refined gold, money market state, monetary policy indicators and the

situation on the international financial markets, approves the purchase limit in the framework of the priority right for the coming half-year, or takes a decision on non-implementation of the priority right in general for the forthcoming period (from one month to six months).

Within the approved purchase limit, the National Bank of the Republic of Kazakhstan determines the volumes of refined gold that will be purchased in the coming half-year from each entity producing precious metals or a person who has become the owner of refined gold as a result of processing, who provided a prognosis chart for the production and sale of refined gold.

The volumes of purchase or the decision to refuse to implement the state's priority right of purchasing refined gold for the upcoming period is brought to the attention of the subjects of precious metals production and persons who have become owners of refined gold as a result of processing for the first half of next year until December 1<sup>st</sup> of this year, for the second half of this year - until June 1<sup>st</sup> of this year.

The National Bank of the Republic of Kazakhstan shall be obliged to fully purchase the acquisition volumes brought to the subjects of precious metals production and persons who have become owners of refined gold as a result of processing.

In the case that the expected volume of production and sales of refined gold exceeds the volume of production and sales of refined gold submitted to the National Bank of the Republic of Kazakhstan in accordance with paragraph 3 of this article, subjects of production of precious metals and persons who have become owners of refined gold as a result of processing, additionally submit to the National Bank of the Republic of Kazakhstan changed charts for prognosis of production and sale of refined gold.

Within fifteen working days from the date of receipt of the changed charts for prognosis of production and sale of refined gold, the National Bank of the Republic of Kazakhstan shall bring to the entities of precious metals production and persons who have become owners of refined gold as a result of processing, respectively the changed amount of refined gold purchase or informs about the abandonment of previously reported amount of refined gold purchase by sending a refusal to purchase a new amount in accordance with the changed charts.

5. Sale of refined gold by the subjects of precious metals production and persons who have become owners of refined gold as a result of processing, as raw materials for the production of jewelry and other products to the subjects of production of jewelry and other products on the territory of the Republic of Kazakhstan, before reaching the limit determined by the National Bank of the Republic of Kazakhstan, shall be carried out in accordance with the order of realization of the priority right of the state to purchase refined gold for the replenishment of assets in precious metals.

6. The purchase of refined gold in the framework of the implementation of the priority right of the state shall be carried out at prices calculated using the prices prevailing on the

international market, minus transportation costs, implementation costs and quality discounts, which is applied in the case of purchase of refined gold that does not meet international quality standards, adopted by the London Association of precious metals market and designated in the documents of this association as the standard "London good delivery".

7. The purchase of refined gold in the framework of the priority right of the state shall be carried out on the basis of an agreement on general conditions for the purchase and sale of refined gold for the replenishment of assets in precious metals concluded by the National Bank of the Republic of Kazakhstan with a precious metal producing entity or a person who has become the owner of refined gold as a result of processing.

8. The National Bank of the Republic of Kazakhstan shall have the right to refuse to implement the priority right of the state to purchase refined gold for the replenishment of assets in precious metals in cases of reaching the purchase limit and (or) if there is a decision on non-implementation of the priority right for the forthcoming period in accordance with the first part of paragraph 4 of this article.

The grounds provided for in part one of this paragraph shall not be applied to the subjects of precious metals production and persons who have become owners of refined gold as a result of processing, within the limits of the volumes of purchase of refined gold brought to them.

9. If the National Bank of the Republic of Kazakhstan refuses to implement the priority right of the state to purchase refined gold from the subjects of precious metals production or persons who have become owners of refined gold as a result of processing, this refined gold may be sold to third parties.

## **Article 10. Affinage of scrap and waste of precious metals, converted into state property on separate grounds**

1. Scrap and waste of precious metals converted to state property on separate grounds and adopted by the National Bank of the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan are subject to refining with the transfer of refined gold bullions into the assets of the National Bank of the Republic of Kazakhstan in precious metals.

2. The procedure for transferring scrap and waste of precious metals that are converted to state ownership on separate grounds for refining, into gold bullions and their receipt after refining shall be determined by the National Bank of the Republic of Kazakhstan.

3. The cost of gold refined bullions specified in paragraph 1 of this Article shall be transferred to the budget, minus the costs associated with the processing of scrap and waste of precious metals.

## **Article 11. Peculiarities of investment gold turnover**

1. For the purposes of circulation of investment gold, metal accounts opened in accordance with the procedure established by the legislation of the Republic of Kazakhstan in second-tier banks and also in the National Bank of the Republic of Kazakhstan for the category of legal entities serviced by the National Bank of the Republic of Kazakhstan may be used.

2. When executing transactions with investment gold, payment shall be made at prices calculated using the prices prevailing on the international market at the time of transaction.

## **Article 12. Procedure for conducting an expertise**

1. An expertise shall be carried out on a reimbursable basis in accordance with the rules of carrying out an expertise, as well as normative documents on standardization.

2. Individuals and legal entities apply to an authorized organization for an expert examination on a voluntary basis, as well as in mandatory order in the cases provided for by paragraph 4 of this article and paragraphs 2 and 3 of article 7 of this Law.

3. Based on the results of the expertise, the authorized organization shall provide an expert opinion within five working days from the date of the request of the individual or legal entity.

4. Jewelry and other products produced and (or) sold on the territory of the Republic of Kazakhstan, except for those determined by the Government of the Republic of Kazakhstan, are subject to mandatory testing and branding in authorized organizations.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication).**

## **Article 13. Features of jewelry and other products realization**

1. Realization of jewelry and other products without the presence of a platemark, as well as an imprint of the nameplate that the subject of jewelry and other items production makes on all of their own jewelry and other products shall not be allowed on the territory of the Republic of Kazakhstan.

When used as insets in jewelry and other products of artificial origin, labels should include information that this stone is not precious.

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

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

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication)..**

## **Article 14. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of precious metals and precious stones**

Violation of the legislation of the Republic of Kazakhstan in the field of precious metals and precious stones shall entail responsibility in accordance with the laws of the Republic of Kazakhstan.

## **Article 15. Procedure for enactment of this Law**

This Law shall enter into force upon the expiration of twenty-one calendar days after the date of its first official publication, with the exception of Article 12, paragraph 4, and Article 13, which shall enter into force six months after the day of its first official publication.

The President  
of the Republic of Kazakhstan

N. NAZARBAYEV