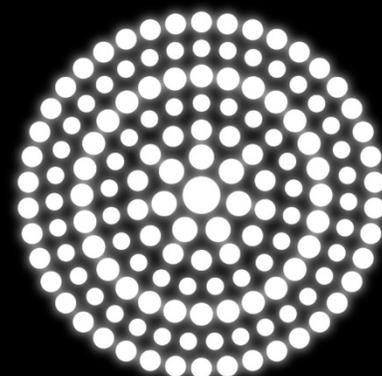


International Tax Kazakhstan Highlights 2020

Updated October 2020



Investment basics:

Currency – Kazakhstan Tenge (KZT)

Foreign exchange control – Payments between residents may be made only in KZT, payments between residents and nonresidents may be made in any currency. Certain transactions may be subject to the national bank's notification or registration regime.

Accounting principles/financial statements – Large entities and public companies in Kazakhstan must use IFRS; small and medium-sized enterprises, branches, and representative offices of foreign entities may use IFRS or national financial reporting standards.

Principal business entities – These include the joint stock company, limited liability company, unregistered partnership (consortium), branch, and representative office of a foreign corporation.

Corporate taxation:

Rates

Corporate income tax rate	20%
Branch tax rate	20%, 15%
Capital gains tax rate	20%

Residence – A company is a Kazakh tax resident if it is established under the laws of Kazakhstan or if its governing body/place of actual management and control is located in Kazakhstan.

Basis – Resident companies are taxed on worldwide income. Nonresidents generally are taxed only on Kazakhstan-source income. Branches are taxed in the same way as subsidiaries.

Taxable income – Entities are subject to corporate income tax on business profits and other taxable income. Expenses may be deducted against income if they are wholly and exclusively incurred for business-related purposes and if they are substantiated by supporting source documentation.

Rate – The standard corporate income tax rate of 20% applies to domestic and foreign companies. A permanent establishment (PE) of a nonresident foreign company is subject to a net profit tax of 15% on net after-tax income, in addition to corporate income tax. The net profit tax is payable regardless of

whether net profits are remitted to the parent company and the tax rate may be reduced under an applicable tax treaty.

Surtax – A surtax exists in the form of an excess profits tax levied on subsurface users. The excess profits tax was abolished for subsurface users engaged in the mining industry as from 1 January 2018.

Alternative minimum tax – There is no alternative minimum tax.

Taxation of dividends – Dividends received are effectively exempt from income taxation, except for certain categories of dividend (such as dividends received from risk investment funds), in respect of which specific requirements must be met to obtain an exemption.

Capital gains – Capital gains are taxed at the standard corporate income tax rate. Certain categories of capital gain (including gains derived from the sale of shares that principally do not derive their value from subsurface use property) are exempt if certain conditions are satisfied.

Losses – Operating losses generally may be carried forward for up to 10 years following the year in which the loss is incurred. Losses may not be carried back.

Foreign tax relief – A credit generally is available for foreign taxes paid on foreign-source income, based on documentation confirming the foreign income tax payment.

Participation exemption – There is no participation exemption.

Holding company regime – There is no holding company regime.

Incentives – Certain tax and nontax incentives are available. Tax incentives are provided in the form of accelerated tax deductions for capital expenditure, provided certain requirements are met. Special tax regimes/incentives are available for qualifying nonprofit organizations and organizations operating in social spheres. Tax incentives in the form of a 100% reduction of corporate income tax, a zero coefficient to the land tax rates, and property tax at a zero rate apply to investments in qualifying investment priority projects where certain conditions are met. Other nontax reliefs granted depending on the type of the investment project mainly include exemptions from customs duties, access to state material grants, and investment subsidies.

Compliance for corporations:

Tax year – The tax year is the calendar year.

Consolidated returns – Consolidated returns are not permitted; each company must file a separate tax return. However, in certain cases, nonresidents with several PEs in Kazakhstan may opt to file a consolidated tax return.

Filing and payment – The corporate income tax return is due by 31 March of the year following the reporting tax year. A one-month extension may be obtained for electronically filed tax returns.

Penalties – Penalties are assessed at 1.25 times the official refinancing rate established by the national bank for each day of delay in paying the tax due.

Rulings – The tax authorities generally issue nonbinding rulings of an explanatory nature. However, rulings issued by the tax authorities individually to taxpayers will be considered during the tax appeal process. Advance pricing agreements also are possible.

Individual taxation:

Rates

Individual income tax rate	<ul style="list-style-type: none"> • For residents: <ul style="list-style-type: none"> ▪ 5% (Kazakh-source dividends) ▪ 10% (all other income) • For nonresidents: <ul style="list-style-type: none"> ▪ 5% (insurance premiums under risk reinsurance contracts, income from rendering international transportation services) ▪ 10% (employment income) ▪ 15% (insurance premiums under risk insurance contracts, capital gains, dividends, interest, royalties) ▪ 20% (all other income)
Capital gains tax rate	Subject to individual income tax rate

Residence – Tax residence is based on whether an individual is permanently residing in, or has his/her center of vital interests in Kazakhstan. The permanent residence test is based on the number of days of presence in Kazakhstan: a foreign individual is deemed a resident if they are present in Kazakhstan for at least 183 days in any consecutive 12-month period ending in the reporting tax year. The center of vital interests test is based on whether an individual is a citizen or a holder of a Kazakh residence permit and has a spouse and/or close relatives and a place of abode in Kazakhstan (belonging to the individual and/or their spouse and/or their close relatives). All three conditions must be met to establish tax residency.

Basis – Resident individuals are taxed on worldwide income. Nonresidents are taxed only on their Kazakh-source income. Kazakh-source income includes income from employment or other activities performed in Kazakhstan and any other benefits received in this respect, regardless of the place of payment.

Taxable income – Taxable income comprises primarily employment income (including benefits in kind), income from a business, income from third parties (including that received free of charge), and passive income. Local legislation provides for certain exemptions depending on the type of income and the individual's circumstances.

Rates – Employment income is taxed at a flat rate of 10% for both residents and nonresidents. Kazakh-source dividends are taxed at 5% and foreign-source dividends at 10% for residents. Insurance premiums under contracts of risk reinsurance and income from international transportation services are taxed at 5% for nonresidents. Insurance premiums under contracts of risk insurance, dividends, interest, royalties, and capital gains are taxed at 15% for nonresidents. Other income is taxed at 10% for residents and 20% for nonresidents.

Capital gains – Income derived from the sale of property is treated as capital gains subject to taxation unless the individual has held the property for more than one year. Subject to certain exceptions, income derived from the sale of shares of participations and securities is treated as capital gains subject to taxation. Income in the form of capital gains is taxed at the rate applicable to the individual based on their tax residency status.

Deductions and allowances – Standard monthly and other deductions are allowed for tax residents, such as a minimum monthly salary deduction (KZT 42,500 per month), deductions for voluntary pension fund contributions, medical costs, etc., as per prescribed limitations.

Foreign tax relief – A credit generally is available for foreign taxes paid on foreign-source income, based on documentation confirming the foreign income tax payment.

Compliance for individuals:

Tax year – The tax year is the calendar year.

Filing status – Tax returns for individual income tax are divided into two categories: an annual individual income tax return submitted independently by an individual or a quarterly tax return filed by a tax agent.

Filing and payment – Payroll-related taxes and obligatory payments must be remitted to the state on a monthly basis by the 25th day of the month following the month in which the tax point arises; reported on a quarterly basis by the 15th of the second month following the reporting quarter.

If an individual receives income not subject to taxation at source, or if a tax resident (applicable only to residents that are citizens, oralmans (i.e., certain immigrants intending to stay permanently in Kazakhstan), or residence permit holders in Kazakhstan) possesses foreign assets (e.g., an overseas bank account with a minimum balance, immovable property, foreign legal entity shares, or equity capital interests), a tax return must be filed by 31 March of the year following the reporting year, with payment of the final tax due by 10 April.

Penalties – Penalties apply for late payment of taxes, and administrative fines are imposed for noncompliance.

Rulings – The tax authorities generally issue nonbinding rulings of an explanatory nature. However, rulings issued by the tax authorities individually to taxpayers will be considered during the tax appeal process.

Withholding tax:

Rates				
Type of payment	Residents		Nonresidents	
	Company	Individual	Company	Individual
Dividends	0%	5%/10%	15%/20%	15%
Interest	15%	10%	15%/20%	15%
Royalties	0%	10%	15%/20%	15%
Fees for technical services	0%	10%	20%	20%

Dividends – Dividends paid to a resident company are exempt from withholding tax. Dividends paid to a resident individual are subject to withholding tax at 5% or 10%.

A 15% withholding tax is levied on dividends paid to nonresidents without a PE in Kazakhstan. A 20% rate applies to dividends paid to nonresidents registered in a tax haven. The rate may be reduced under an applicable tax treaty.

Qualified dividends (except for dividends paid to persons registered in a tax haven) may be exempt from withholding tax under domestic tax legislation where the underlying shares are listed on the Kazakh stock exchange or the Astana international exchange (AIX) or are held in Astana International Financial Center (AIFC) participants; or where the underlying shares/participation in a nonsubsurface user have been held

by a nonresident for more than three years, and no more than 50% of the value of the nonsubsurface user is derived from subsurface use.

A domestic withholding tax exemption also is available for dividends (except for dividends paid to persons registered in a tax haven) paid by subsurface users if certain conditions are fulfilled.

Interest – Interest paid to a resident company is subject to withholding tax at 15%. A 10% rate applies to interest paid to a resident individual.

A 15% withholding tax is levied on interest paid to nonresidents without a PE in Kazakhstan. Interest paid to nonresidents registered in a tax haven is subject to a 20% rate. The tax rate may be reduced under an applicable tax treaty.

Royalties – Royalties paid to a resident company are exempt from withholding tax. A 10% rate applies to royalties paid to a resident individual.

Royalties paid to nonresidents without a PE in Kazakhstan are subject to a 15% withholding tax. A 20% rate applies to royalties paid to nonresidents registered in a tax haven. The tax rate may be reduced under an applicable tax treaty.

Fees for technical services – The tax code does not specifically provide a definition of technical services. However, technical service fees paid to a resident company are exempt from withholding tax. A 10% rate applies to technical service fees paid to a resident individual.

As a general rule, payments for technical services to nonresidents without a PE in Kazakhstan are considered Kazakh-source income and are subject to a 20% withholding tax. Certain technical service fees may be reclassified as royalties subject to a 15% withholding tax. The tax rate may be reduced in line with the provisions of an applicable tax treaty. A 20% rate applies to technical service fees paid to a nonresident registered in a tax haven, regardless of the nature of services provided.

Branch remittance tax – A PE of a nonresident foreign company is subject to a net profit tax of 15% on net after-tax income, in addition to corporate income tax. The net profit tax is payable regardless of whether net profits are remitted to the parent company. The tax rate may be reduced under an applicable tax treaty.

Other – A 15% withholding tax is levied on capital gains from dispositions of property located in Kazakhstan that is subject to state registration, rights or transactions that are subject to state registration, and shares/participations of resident legal entities. A 15% withholding tax is levied on capital gains from dispositions of shares/participations of nonresidents if 50% or more of the value of the shares/participations or assets of the nonresident constitute property situated in Kazakhstan. A 20% rate applies to capital gains of nonresidents registered in a tax haven. Capital gains may be exempt from withholding tax under an applicable tax treaty or under the domestic tax legislation (except for capital gains of persons registered in a tax haven) if certain conditions are fulfilled (subject to certain procedures).

A domestic withholding tax exemption may apply to capital gains from dispositions of the following:

- Shares by open auction on the Kazakh or a foreign stock exchange;
- Shares on the AIX;
- Shares/participations in AIFC participants; or
- Shares/participations in nonsubsurface users that have been held by a nonresident for more than three years and where no more than 50% of the value of the nonsubsurface user is derived from subsurface use.

A domestic withholding tax exemption also is available for capital gains (except for capital gains of persons registered in a tax haven) realized on shares/participations in subsurface users if certain conditions are fulfilled.

Anti-avoidance rules:

Transfer pricing – Transfer pricing regulations in Kazakhstan apply to all cross-border transactions and certain domestic transactions with related or unrelated parties. The law adopts the arm's length concept, although the definition is somewhat different from that in the OECD transfer pricing guidelines.

Kazakhstan has introduced the concept of three-tiered transfer pricing documentation requirements (i.e., master file, local file, and country-by-country (CbC) report). A notification of participation in a multinational enterprise (MNE) group may be required to be filed by qualifying MNE group members by 1 September of the year following the reporting year.

Under the three-tier documentation rules:

- The CbC report should be submitted within 12 months from the end of the reporting period (where there is an obligation to file the report) or within 12 months upon request from the tax authorities;
- The master file should be submitted within 12 months upon request from the tax authorities; and
- The local file should be submitted within 12 months from the end of the reporting period (where there is an obligation to file the report).

Interest deduction limitations – The deduction of interest generally is limited by a specific debt-to-equity formula set by tax legislation. Deductions of interest accrued with respect to nonresident parties also are limited by the applicable market rate. The amount of interest accrued with respect to nonresident related parties in excess of the applicable market level must be recognized as a deemed dividend.

Controlled foreign companies – Controlled foreign company (CFC) rules apply to residents with at least a 25% shareholding or control (as defined by IFRS) in a tax haven entity or an entity that is taxed at an effective tax rate of less than 10%. The government has issued a list of tax haven jurisdictions. Kazakh residents holding shares or control in CFCs are required to include CFC profits proportionate to their shareholding or control in their aggregate annual income.

Hybrids – There are no anti-hybrid rules.

Economic substance requirements – There are no economic substance requirements.

Disclosure requirements – Tax residents (both individuals and legal entities) are required to notify the Kazakh tax authorities of a direct, indirect, or constructive participation in (control over) a CFC.

A notification of participation in an MNE group may be required to be filed by qualifying MNE group members subject to CbC reporting requirements (see under "Transfer pricing").

Exit tax – There is no exit tax.

General anti-avoidance rule – There is no general anti-avoidance rule.

Value added tax:

Rates	
Standard rate	12%
Reduced rate	0%

Taxable transactions – VAT is levied on the supply of goods, works, and services, as well as on imports. A reverse-charge VAT applies on supplies of works and services by nonresidents, if the place of supply is deemed to be in Kazakh territory, except for certain cases (such as VAT-exempt supplies, etc.).

Rates – The standard rate is 12%. A 0% rate or exemption applies in certain cases.

Registration – Registration is compulsory for companies whose turnover exceeds KZT 79,530,000 in a calendar-year period. Otherwise, registration is optional.

Filing and payment – Payment is due by the 25th day of the second month following the reporting quarter. VAT and related turnover must be reported on a quarterly basis, by the 15th day of the second month following the reporting quarter. A two-week extension may be obtained for electronically filed tax returns.

Other taxes on corporations and individuals:

Unless otherwise stated, the taxes in this section apply both to companies and individuals and are imposed at the federal level.

Social security contributions – Employed individuals (Kazakhstan citizens and residents) are required to make pension fund contributions at a 10% rate (the monthly base is capped at KZT 2,125,000). The employee deduction for social medical insurance (OSMI) is 1% (the monthly base is capped at KZT 425,000), which applies to Kazakhstan citizens, residents, and Eurasian Economic Union (EEU) citizens.

Employers must pay a social tax at a 9.5% rate. Employers are required to make pension fund contributions (for Kazakhstan citizens and residents) at a 5% rate (this is in addition to pension contributions made by an employer for the benefit of employees whose professions fall under the established list of works with harmful/hazardous working conditions). Employers must make OSMI contributions (for Kazakhstan citizens, residents, and EEU citizens) at a rate of 2% (the monthly base is capped at KZT 425,000). The employer also must make social security contributions at a 3.5% rate (the monthly base is capped at KZT 297,500) for Kazakhstan citizens, residents, and EEU citizens.

Payroll tax – See above under “Social security contributions.”

Capital duty – There is no capital duty.

Real property tax – Property tax is levied on immovable property located in Kazakhstan at progressive rates ranging from 0.1% to 1.5% for legal entities, depending on a taxpayer’s activities. The applicable rate of property tax for individuals varies from 0.05% to KZT 2,946,600 + 2% x (property value minus KZT 450 million) on the value of the object of taxation.

Transfer tax – There is no transfer tax.

Stamp duty – No standalone stamp duty regime exists. However, the authorities may impose a levy on various legal actions, such as the issuance of documents by state bodies.

Net wealth/worth tax – There is no net wealth/worth tax.

Inheritance/estate tax – There is no inheritance/estate tax.

Other – Corporate taxpayers undertaking licensed activities to extract mineral resources in Kazakhstan are subject to a specific subsurface user taxation regime, which includes the excess profit tax (see under “Surtax,” above), mineral extraction tax, and rent tax on exports, in addition to bonuses payable upon signature of license agreements. As from 1 January 2019, the bonus that formerly was payable upon confirmation of commercial discoveries is abolished.

Kazakhstan Highlights 2020

Certain oil and gas companies may choose to apply an alternative tax on subsurface usage, instead of certain taxes generally applicable to subsurface users.

Tax also is levied on land and vehicles.

Tax treaties: The OECD multilateral instrument (MLI) entered into force for Kazakhstan on 1 October 2020. For information on Kazakhstan's tax treaty network, visit [Deloitte International Tax Source](#).

Tax authorities: State Revenue Committee of the Ministry of Finance; state revenue departments at the regional level and for the cities of Almaty, Nur-Sultan, and Shymkent; state revenue agencies at the district and town levels.

Contact:

Anthony Mahon
(anmahon@deloitte.kz)

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited ("DTTL"), its global network of member firms, and their related entities (collectively, the "Deloitte organization"). DTTL (also referred to as "Deloitte Global") and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see <http://www.deloitte.com/about> to learn more.

Deloitte is a leading global provider of audit and assurance, consulting, financial advisory, risk advisory, tax and related services. Our global network of member firms and related entities in more than 150 countries and territories (collectively, the "Deloitte organization") serves four out of five Fortune Global 500® companies. Learn how Deloitte's approximately 312,000 people make an impact that matters at www.deloitte.com.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited ("DTTL"), its global network of member firms or their related entities (collectively, the "Deloitte organization") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

© 2020. For information, contact Deloitte Global.