



Customs Alert

Introduction of new rules for registering Waybill for goods

Important Customs and Tax law changes that may impact your business.

31.12.2019 was officially published Order of the Ministry of Finance of the Republic of Kazakhstan No. 1424 dated December 26, 2019 "On the Approval of a List of Goods requiring the Registration of Waybills for goods and Rules for registering them".

In Order No. 253 from 26 March 2021 the Ministry of Finance has amended Order No. 1424 from 26 December 2019 "On the Approval of a List of Goods requiring the Registration of Waybills for goods and Rules for registering them" and set new deadlines for the introduction of Waybills for goods.

The Minister of Finance issued Order No. 1104 on 16 November 2020 approving the Rules and deadlines for implementing a pilot project for issuance of waybills for goods and their work flow. This Order came into force after the official publication on 18.11.2020 and contains separate terms for the registration of waybills for goods.

We would like to comment on the important points in our opinion on the introduction of Waybill for goods, which may seem particularly interesting for you.

As earlier reported by the state revenue Committee of the Ministry of Finance of the Republic of Kazakhstan, the new rules on registration of Waybills for goods should provide end-to-end traceability of specific products.

According to the rules, the Waybills for goods is issued by the supplier (when imported-by the recipient) in the form according to Annex 1 to the Rules, through the “Virtual Warehouse module” of the electronic e-invoice information system in the state or Russian languages, signed with an electronic digital signature in the manner prescribed for signing electronic invoices and the Law of the Republic of Kazakhstan dated January 7, 2003 “On electronic document and electronic digital signature”.

The Waybill for goods issued in electronic form, except in cases when the taxpayer has the right to issue the Waybill for goods on paper for the certain reasons. However, the original of the Waybill for goods is an electronic document contained in the ESF and accordingly is subject to mandatory introduction into the ESF.

What is important to know!

1. The purpose of the Waybill for goods for the tax and customs administration.

Waybill for goods is for tax purposes, as well as tax and customs administration:

- shipping documents, including those confirming the shipment of goods to the taxpayer;
- primary accounting documents.

2. The List of goods and the start date of registration that are subject to the introduction to issue accompanying Waybills for goods:

- biofuel; production and turnover of which is regulated by the Law of the Republic of Kazakhstan dated November 15, 2010 “on state regulation of production and turnover of biofuels” - **from July 1, 2021;**
- ethyl alcohol and/or alcohol products, production and turnover of which is regulated by the Law of the Republic of Kazakhstan dated July 16, 1999 “On state regulation of production and turnover of ethyl alcohol and alcoholic products” - **from July 1, 2021;**
- certain types of oil products, production and turnover of which is regulated by the Law of the Republic of Kazakhstan

dated July 20, 2011 “On state regulation of production and turnover of certain types of oil products” - **from July 1, 2021;**

- tobacco goods, production and turnover of which is regulated by the Law of the Republic of Kazakhstan dated June 12, 2003 “On state regulation of production and turnover of tobacco products” - **from July 1, 2021;**
 - goods Foreign Economic Activity commodity Nomenclature code of the Eurasian Economic Union (FEACN of the EAEU) and whose name are included in the List of goods for which the Republic of Kazakhstan, in accordance with its obligations accepted as a condition for joining the World Trade Organization (WTO), applies import customs duty rates lower than those of the Common customs tariff of the Eurasian Economic Union, approved in accordance with an international agreement to which the Republic of Kazakhstan is a participant - **from February 1, 2022;**
 - goods imported into Kazakhstan from EAEU member countries member States - **from July 1, 2021;**
 - goods exported from Kazakhstan to EAEU member countries - **from July 1, 2021;**
 - goods that should be labelled in accordance with international agreements and Kazakhstan law - **from February 1, 2022;**
 - goods whose FEACN of the EAEU and whose name are included in the List of goods for which the Republic of Kazakhstan, in accordance with its obligations accepted as a condition for joining the WTO, applies import customs duty rates lower than those of the Common customs tariff of the Eurasian Economic Union, approved in accordance with an international agreement to which the Republic of Kazakhstan is a participant, and for which electronic invoices are issued via the “Virtual Warehouse module” of the electronic e-invoice information system - **from November 1, 2021.**
- ### 3. Waybills for goods are subject to registration in the following cases:
- when moving, selling and/or shipping goods in Kazakhstan;
 - when importing goods into Kazakhstan from non-Eurasian Economic Union and Eurasian Economic Union (“EAEU”) member countries;
 - when exporting goods from Kazakhstan to non-Eurasian Economic Union and EAEU member countries.

4. Time periods for registration of Waybill

The obligation of registration Waybill for goods occurs in the following time periods:

1. when moving, selling and/or shipping goods in Kazakhstan:

- no later than the beginning of moving, selling and/or shipping of goods.

2. When importing goods to the territory of the Republic of Kazakhstan (Import):

From the territory States, which non-Eurasian Economic Union member countries

- no later than the beginning of moving, selling of goods for which customs clearance has been carried out

From the territory of the EAEU member countries:

- before crossing the State border of the Republic of Kazakhstan

3. When exporting goods from the territory of the Republic of Kazakhstan (export) to the territory of States that are not members of the EAEU and the EAEU member countries:

- no later than the beginning of moving, selling and/or shipping of goods.

4. When carrying out international road transport from the territory of one member state of the EAEU to the territory of another member State of the EAEU through the territory of the Republic of Kazakhstan

- at the automobile checkpoint when crossing the State border of the Republic of Kazakhstan

5. Registration, correction and revocation of the Waybills for goods.

Waybills for goods should be confirmed or rejected by the recipient within 20 calendar days of their registration date in the electronic invoice information system.

Recipients are not required to confirm waybills for goods:

- when selling goods for export;
- when selling goods to an individual who is not an individual entrepreneur

Correction Waybills for goods:

- In case of necessary to make changes and/or additions to the previously issued Waybills for goods, correct errors that do not entail replacing the supplier and/or recipient of goods, the corrected Waybills for goods is issued with the cancellation of the previously issued Waybills for goods.

Revoking Waybills for goods:

- Waybills for goods can be revoked without issuing a new Waybills for goods;
- Waybills for goods issued with incomplete and/or inaccurate data is subject to cancellation or recall by the supplier (if imported – by the recipient) within 5 working days after the date of registration of such a Waybills for goods, if such a Waybills for goods is not confirmed or rejected by the recipient.

6. Currency on registration of Waybills for goods.

When moving goods on the territory of the Republic of Kazakhstan, as well as when exporting outside the Republic of Kazakhstan, the SNT is issued in the national currency of the Republic of Kazakhstan, except for the following cases, in which it is possible to issue in a foreign currency:

- on transactions (operations) for the sale of goods concluded (performed) under a production sharing agreement (contract);
- for transactions (operations) on the sale of goods for export, subject to a zero rate of value added tax (VAT) in accordance with articles 386, 446 and 449 of the Tax code of the Republic of Kazakhstan;
- sales turnover taxable at zero VAT rate, in accordance with paragraph 3 of article 393 of the Tax code of the Republic of Kazakhstan.
- when importing goods to the territory of the Republic of Kazakhstan, the Waybills for goods is issued in the national currency or in the currency specified in the invoice.

7. Administrative responsibility.

The code of the Republic of Kazakhstan “On administrative Offences” liability for failing to register or provide waybills for goods.

Article 283-1. Failure to submit or late submission of Waybills for goods, mismatch of the name, incorrect reflection of the quantity

(volume) of goods in the Waybills for goods, as well as incorrect indication in the Waybills for goods of a personal identification number-code for oil products, tobacco products, ethyl alcohol and alcoholic products, biofuels.

1. Failure to submit or late submission of Waybills for goods:

entails a fine for individuals in the amount of five, for small businesses or non-profit organizations-in the amount of ten, for medium-sized businesses-in the amount of twenty, for large businesses-in the amount of thirty monthly calculation indicators.

2. An act provided for in part one of this article committed repeatedly within a year after the imposition of an administrative penalty:

entails a fine for individuals in the amount of ten, for small businesses or non-profit organizations-in the amount of twenty, for medium-sized businesses-in the amount of forty, for large businesses-in the amount of sixty monthly calculation indices.

3. Mismatch of the name, incorrect reflection of the quantity (volume) of goods in the Waybills for goods, as well as incorrect indication in the Waybills for goods of a personal identification number-code for oil products, tobacco products, ethyl alcohol and alcoholic products, biofuels:

entail a fine for individuals in the amount of ten, for small businesses or non-profit organizations-in the amount of twenty, for medium-sized businesses-in the amount of forty, for large businesses-in the amount of fifty monthly calculation indicators.

4. Acts provided for in part three of this article committed repeatedly within a year after the imposition of an administrative penalty:

entail a fine for individuals in the amount of twenty, for small businesses or non-profit organizations-in the amount of forty, for medium-sized businesses-in the amount of sixty, for large businesses-in the amount of one hundred monthly calculation indices.

5. Not making Waybills for goods, as well as the turnover of certain types of petroleum products, tobacco products, biofuels, turnover and movement of ethyl alcohol and/or alcoholic products without accompanying invoices for goods:

entail fine for individuals in the amount of twenty, for small businesses - in the amount of fifty, for medium-sized enterprises - in the amount of one hundred, for large businesses - in the amount of two hundred monthly calculation indices with

confiscation of ethyl alcohol and/or alcohol products, certain oil products, tobacco products, biofuels, which are direct objects of an administrative offence and/or income, money received as a result of an administrative offence.

6. Actions provided for in part five of this article committed repeatedly within a year after the imposition of an administrative penalty:

entail a fine of forty per cent for individuals, one hundred per cent for small businesses, two hundred per cent for medium-sized businesses, and four hundred per cent for large businesses, with the confiscation of ethyl alcohol and (or) alcoholic products, certain types of oil products, tobacco products, biofuels that are the direct objects of an administrative offence, and/or income or money received as a result of an administrative offence.

Please note, that this Customs Alert describes the rules approved by the Order of the Ministry of Finance of the Republic of Kazakhstan No.1424 dated December 26, 2019 "On the Approval of a List of Goods requiring the Registration of Waybills for goods and Rules for registering them" and does not describe the norms of the pilot project in accordance with the Ministry of Finance of the Republic of Kazakhstan No. 1104 on 16 November 2020 approving the Rules and deadlines for implementing a pilot project for issuance of waybills for goods and their work flow.

How «Deloitte» can help:

The «Deloitte» team can provide you with consulting services on issues of interest to you.

Due to constant changes in tax law and differences in its interpretation, we cannot guarantee that further audit conducted by the state tax authorities will not reveal additional errors and discrepancies. When considering issues that are not clearly regulated by law, we will use our judgement and interpret the issue based on our experience.

We will be pleased to discuss any questions you may have related to the issues highlighted in this Alert. The contact details of our key tax and legal team members are provided below.

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