

## **10 KEY QUESTIONS ABOUT DIGITALIZATION IN KAZAKHSTAN, OR WHY IT'S BECOMING INCREASINGLY DIFFICULT FOR FOREIGNERS TO START A BUSINESS IN KAZAKHSTAN AND AIFC**

*(information valid as of 15 July 2025)*

In recent years, Kazakhstan has made significant progress in the digitalization of public services, including the processes for registering legal entities and interacting with government authorities through online platforms such as eGov<sup>1</sup> and e-Residence<sup>2</sup>. At first glance, this should have simplified life for investors and entrepreneurs, including foreign ones. However, in practice, digitalization does not always mean simplification.

Behind the formal digital façade remain complex bureaucratic procedures that may cast doubt on the entire process of establishing a business, especially when the initiator is a foreign individual or legal entity. New migration, tax, and digital compliance requirements that came into force in 2024–2025 have raised serious concerns among both entrepreneurs and legal advisors supporting such projects.

In this article, we will examine 10 key questions faced by foreign investors when attempting to register a legal entity in the Republic of Kazakhstan (**RK**) and the Astana International Financial Centre (**AIFC**), obtain an IIN<sup>3</sup>, BIN<sup>4</sup>, EDS<sup>5</sup>, and go through other mandatory procedures. We will also look at gaps in legislation, conflicts between regulatory acts, and potential risks that are important to be aware of in advance.

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<sup>1</sup> eGov – Electronic Government Portal ([www.egov.kz](http://www.egov.kz))

<sup>2</sup> e-Residence – Digital Resident Portal for the AIFC ([www.digitalresident.kz](http://www.digitalresident.kz))

<sup>3</sup> IIN – Individual Identification Number.

<sup>4</sup> BIN – Business Identification Number.

<sup>5</sup> EDS – Electronic Digital Signature issued by the National Certification Authority.

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## **1. Is personal presence required for registering a legal entity?**

Currently, in order to register a legal entity to a foreign individual in RK, it is necessary to have either a TRP<sup>6</sup> with the status of "business immigrant" (for citizens of the EAEU) or a C5 visa. In particular, according to the Migration Law<sup>7</sup>: *"The establishment of a legal entity, as well as participation in the charter capital of commercial organizations through joining as participants of legal entities, is prohibited for foreigners who have not obtained an entry visa or a temporary residence permit as business immigrants, except for immigrants who possess a residence permit or a stateless person certificate."* (paragraph 2, Article 40)

A C5 visa can be obtained at RK consulates abroad, provided that an invitation letter has been registered with the internal affairs authorities. The TRP, however, is issued within the territory of Kazakhstan, and obtaining it is a complex process.

To obtain a TRP, the following documents are required<sup>8</sup>: a police clearance certificate (no criminal record), medical certificate<sup>9</sup> form 028/y<sup>10</sup>, health insurance, written consent from the property owner, fingerprinting certificate, and an IIN.

Since 2024, having an IIN has become mandatory for individual founders. An IIN can only be obtained within the territory of RK – this service is not available at consulates. Previously, an IIN was not required, and the registering authority would leave the corresponding field blank, as is still permitted in the case of foreign legal entity founders.

We believe that the above requirements should also apply to AIFC participants. However, the AIFC Registrar does not require a C5 visa or TRP for business immigrants when registering companies. This is likely due primarily to the fact that legal entity registration in the AIFC is conducted entirely online via the e-Residence portal.

In addition, a foreign individual founder must be physically present in Kazakhstan at the time of LLP registration. This requirement arises from the fact that the Ministry of Justice's database is integrated with the "Berkut" system (which tracks border crossing data). We believe that such a requirement was introduced to filter out shell companies and stems from the literal interpretation

<sup>6</sup> TRP – Temporary Residence Permit in the RK.

<sup>7</sup> Law of RK dated July 22, 2011 No. 477-IV "On Population Migration" (as amended and supplemented as of July 12, 2025) (hereinafter – the "Migration Law").

<sup>8</sup> The Rules for Issuance of TRP to Foreigners and Stateless Persons in RK, approved by Order of the Minister of Internal Affairs of RK dated 4 December 2015 No. 992 (as amended and supplemented as of 8 December 2024) (hereinafter – the "TRP Rules").

<sup>9</sup> List of Diseases Prohibiting Entry into RK for Foreigners and Stateless Persons, approved by Order of the Minister of Healthcare of RK dated September 30, 2011 No. 664.

<sup>10</sup> Order of the Minister of Healthcare of RK dated October 30, 2020 No. KP DSM-175/2020 "On Approval of Healthcare Recordkeeping Forms and Instructions for Their Completion" (as amended and supplemented as of March 2, 2025).

of Article 40 of the Migration Law, which states that a business immigrant must, within two months from the date of entry into RK, either register a commercial organization or join as a participant (shareholder).

However, a question remains: if the founder of a company in the AIFC chooses to comply with the Migration Law and obtains a C5 visa or TRP, is it necessary for them to be physically present in RK, and for how long must they stay, considering that the document review process involving non-residents follows the Strategic Fit procedure and takes approximately two months.

At the same time, the Law on Registration of Legal Entities<sup>11</sup> establishes an exhaustive list of documents required for the registration of legal entities. The demand for any documents or information beyond those specified is prohibited (Article 6). Consequently, the Migration Law and the Law on Registration of Legal Entities are not aligned with each other.

Furthermore, on October 14, 2014, the Treaty on the Eurasian Economic Union (EAEU)<sup>12</sup> was ratified. Clause 24 of Annex No. 16 (On Trade in Services, Establishment, Activity, and Investment) to the EAEU Treaty<sup>13</sup> provides that each member state shall grant individuals of any other member state a treatment no less favorable than that accorded to its own nationals under the same (or similar) conditions with respect to establishment and activities. Therefore, in our view, the amendments to Article 40 of the Migration Law violate the provisions of an international treaty ratified by RK, which, under the Law on Legal Acts<sup>14</sup>, takes precedence over national legislation.

As for the registration of a legal entity involving a foreign legal entity, a branch, or a representative office of a foreign company, the C5 visa/TRP requirement does not apply. Such registration may be completed via power of attorney, and the physical presence of the director is not required at this stage (with the exception of obtaining IIN and EDS, which will be covered in the following questions).

The registration of a legal entity, branch, or representative office with foreign participation is carried out through the PSC<sup>15</sup>, since the eGov online platform does not support the upload of an extract from the commercial register. In addition, this process requires the founder's EDS, which a non-resident does not possess by default (this will also be discussed in more detail in the following questions).

However, the registration of a legal entity, branch, or representative office with foreign participation in the AIFC is conducted entirely online: a convenient platform, e-Residence, has been developed, allowing users to easily complete the registration process and independently pay the state fee. The application is submitted by an authorized representative and is signed using their EDS.

## 2. Is it necessary for a foreign individual to obtain an IIN?

An IIN is required for a foreign individual in the following cases, for example:

- for founders of legal entities (excluding those registered in the AIFC);

<sup>11</sup> Law of RK dated April 17, 1995 No. 2198 "On State Registration of Legal Entities and Record Registration of Branches and Representative Offices" (as amended and supplemented as of January 7, 2025) (hereinafter – the "**Law on Registration of Legal Entities**").

<sup>12</sup> Treaty on the Eurasian Economic Union dated May 29, 2014 (hereinafter – the "**EAEU Treaty**").

<sup>13</sup> EAEU – Eurasian Economic Union. The EAEU includes Russia, Kazakhstan, Belarus, Armenia, and Kyrgyzstan. Its primary goal is to establish a single economic space that fosters economic development, trade, and cooperation among member states.

<sup>14</sup> Law of RK "On Legal Acts" dated April 6, 2016 No. 480-V 3PK (as amended and supplemented as of January 25, 2025).

<sup>15</sup> Public Service Center (PSC) – Center for servicing the population (LJOH).

- for directors of legal entities, branches, or representative offices registered in RK, including those in the AIFC (in which case, the IIN must be obtained prior to registration);
- for employees of legal entities, branches, or representative offices registered in RK;
- for opening a bank account (personal and, in some banks, corporate);
- for obtaining an EDS (both personal and corporate);
- for receiving certain medical services (including medical form 028/y required for obtaining a TRP);
- for undergoing fingerprinting and subsequently obtaining a TRP.

Obtaining an IIN by directors of foreign legal entities for the purpose of obtaining a non-resident BIN is optional and not strictly required by law.

However, if the non-resident BIN is intended to be used in the future for obtaining an EDS, the application for the BIN must specify the IIN of the first executive (CEO) of the foreign company. Indicating the IIN of a representative or any other person is not permitted, since the EDS of a legal entity is linked to the IIN of its director.

For example, an EDS may be required for a foreign company to participate in government tenders via specialized electronic platforms, to obtain serial numbers for pharmaceutical products issued by the government, or to access online banking services in certain Kazakhstani banks (e.g., Freedom Finance, Bank CenterCredit).

In such cases, the BIN application must include the IIN of the director, which will be linked to the BIN. If this is not done initially, a separate data correction request will have to be submitted later in order to link the IIN.

### 3. What is the procedure for obtaining an IIN?

The IIN is issued by the Ministry of Internal Affairs of RK. Previously, it could be obtained both online and through a PSC. However, online access was later discontinued, and the IIN could only be obtained through a PSC – either in person or via a representative under a power of attorney.

As of February 24, 2024, an IIN can now be obtained only through the personal appearance of the foreign national at a PSC.<sup>16</sup>

Interestingly, in Astana, IINs are issued free of charge, whereas in Almaty, a fee of 5,500 KZT is charged.

The applicant must have a SIM card with a local mobile number, to which an SMS containing the IIN will be sent. It should be noted that, since March 25, 2025, biometric registration has been required for the purchase of new SIM cards. In addition, there is liability for the illegal transfer of SIM cards to third parties and for the use of SIM boxes<sup>17</sup>.

On April 13, 2024, a pilot project was launched to issue IINs at all RK consulates, with a validity period until December 31, 2024<sup>18</sup>. This innovation proved to be very convenient; however, unfortunately, no steps were taken to extend it in a timely manner. As a result, since January

<sup>16</sup> Law of RK "On Amendments and Additions to Certain Legislative Acts of RK on the Issues of the State Corporation 'Government for Citizens', the Astana Hub International Technology Park, and Fingerprint Registration" dated December 23, 2023 No. 50-VIII ZRK.

<sup>17</sup> <https://www.zakon.kz/obshestvo/6472226-biometricheskuyu-registratsiyu-pri-pokupke-novykh-SIMkart-vvodyat-v-kazakhstane.html>

<sup>18</sup> Joint Order of the Acting Minister of Foreign Affairs of RK dated March 19, 2024 No. 11-1-4/113, the Minister of Internal Affairs of RK dated March 19, 2024 No. 246, and the Minister of Digital Development, Innovation and Aerospace Industry of RK dated March 19, 2024 No. 166/NK on the Implementation of the Pilot Project for the Provision of the Public Service "Generation of IIN for Foreign Citizens through RK's Foreign Missions".

2025, foreign nationals have again been forced to travel to Kazakhstan in person to obtain an IIN, which is inconvenient for many due to financial and time-related costs, as well as the bureaucratic procedures associated with obtaining entry visas.

On April 18, 2025, a new pilot project was launched (valid until December 31, 2025)<sup>19</sup>. Nevertheless, more than two months have passed, and many consulates have still not begun issuing IINs.

A new feature of the current pilot project is that IINs at consulates can now be issued not to all foreign nationals, but only to specific categories, in particular:

- investors<sup>20</sup>,
- directors of non-resident entities,
- participants in the circulation of marked and traceable goods,
- directors of legal entities, branches, and representative offices registered in RK, among others.

At the same time, the following are not included in the list:

- directors of yet-to-be-registered LLPs or branches (as the rules explicitly refer to “registered” entities, and unfortunately, there have already been reported cases of refusals by RK consulates to assign IINs to such individuals);
- representatives of foreign companies applying for a BIN (e.g., for opening a bank account or obtaining an EDS).

#### **4. Is it necessary for a foreign legal entity to obtain a BIN when establishing a legal entity, branch, or representative office?**

Obtaining a non-resident BIN is not required for a foreign legal entity acting as a founder. Despite the presence of a dedicated BIN field in the application submitted to the PSC, it is commonly left blank.

First, neither the Law on Registration of Legal Entities nor any other regulatory act establishes a requirement for a non-resident to obtain a BIN.

Second, the tax registration form does not list legal entity registration<sup>21</sup> as a basis for tax registration (the exception being when a foreign legal entity acquires securities or shares and fails to meet the conditions outlined in subparagraph 8) of paragraph 9, Article 645 of the Tax Code<sup>22</sup>).

Third, the absence of a requirement to obtain a BIN for non-residents has been repeatedly confirmed by the Ministry of Justice<sup>23</sup>, and as of the date of this publication, the position of the registering authority has not changed.

<sup>19</sup> Joint Order of the Minister of Foreign Affairs of RK dated March 27, 2025 No. 11-1-4/181, the Minister of Internal Affairs of RK dated March 27, 2025 No. 225, and the Acting Minister of Digital Development, Innovation and Aerospace Industry of RK dated March 28, 2025 No. 129/NK on the Implementation of the Pilot Project for the Provision of the Public Service “Generation and Correction of IIN for Foreigners and Stateless Persons Temporarily Staying in RK”.

<sup>20</sup> For the purposes of the law, investors are defined as individuals and legal entities making investments in RK.

Investments include all types of property (excluding goods intended for personal use), including items of financial leasing from the moment of signing the leasing contract, as well as rights to such property, contributed by the investor into the charter capital of a legal entity or used to increase fixed assets for business activities or for the implementation of a public-private partnership project (paragraph 2, Article 274 of the Entrepreneurial Code of RK, dated October 29, 2015 No. 375-V).

<sup>21</sup> Order of the Minister of Finance of RK dated February 12, 2018 No. 160 “On Approval of Tax Application Forms” (Annex No. 8) (as amended and supplemented as of December 9, 2023).

<sup>22</sup> The Code of the Republic of Kazakhstan dated 25 December 2017 No. 120-VI “On Taxes and Other Mandatory Payments to the Budget (Tax Code)” (as amended and supplemented as of 1 January 2025) (hereinafter – the “**Tax Code**”).

<sup>23</sup> Response of the Minister of Justice of RK dated September 22, 2014 to the inquiry dated September 15, 2014 No. 290498 (available in the legal information system “Paragraph”).

That said, some companies still choose to obtain an IIN for the director of the non-resident entity and a non-resident BIN in order to subsequently obtain an EDS and submit the application for registration of the legal entity online via the eGov portal.

A non-resident BIN can be obtained either by applying to the tax authority in person or via the State Revenue Committee's website<sup>24</sup>. An EDS can be issued at a PSC or at RK consulates<sup>25</sup>, provided the non-resident has both an IIN and BIN.

However, this approach is not always justified, as it is: inefficient in terms of time; subject to the risk of BIN annulment (which will be discussed later); associated with the need to translate a larger set of documents (such as the charter, extract from the commercial register, passport of the director, power of attorney) compared to the one-stop-shop registration process for legal entities, where only the extract and power of attorney are typically required.

## **5. For what purposes can a BIN be obtained?**

A BIN is issued based on a taxpayer registration application.

Paragraph 2 of Article 75 of the Tax Code establishes the grounds for registering a foreign legal entity as a taxpayer (the most common cases are listed below): The tax authorities enter information about a foreign legal entity into the state taxpayer database if the entity:

The tax authorities enter information about a foreign legal entity into the state taxpayer database if the entity:

- conducts business in RK through a permanent establishment without opening a branch or representative office;
- acquires securities or equity interests without fulfilling the conditions specified in subparagraph 8), paragraph 9 of Article 645 and subparagraph 7) of Article 654 of the Tax Code;
- opens current accounts in second-tier banks located in RK.

In practice, a BIN is most often obtained for the purpose of opening a bank account. A BIN is also used:

- to open an account (optionally) in the Central Securities Depository;
- to register in pledge/mortgage registries;
- to participate in government tenders, which are primarily conducted via electronic platforms.

In addition, as of July 1, 2024, Kazakhstan has introduced mandatory serialization of pharmaceutical products. All medicines imported into Kazakhstan must contain an identification element – a 2D Data Matrix barcode

Kazakhstan is actively expanding product labeling to other categories as well: tobacco, alcohol, clothing, beverages, and jewelry. This reflects a broader trend aimed at combating counterfeit goods and increasing traceability from the manufacturer to the end consumer across all key industries.

<sup>24</sup> Taxpayer Registration: [https://egov.kz/cms/ru/services/taxation/2f39\\_mf](https://egov.kz/cms/ru/services/taxation/2f39_mf).

<sup>25</sup> Obtaining EDS at RK Foreign Missions: <https://pki.gov.kz/posolstva/>.



To obtain serial numbers, the manufacturer is required to register in the Goods Traceability Information System (IS MPT), operated by Kazakhtelecom (via the Ismet platform). Registration is carried out through the portal using an EDS<sup>26</sup>.

Since the Tax Code does not provide for the registration of a foreign legal entity specifically for labeling purposes, applicants are forced to indicate a different justification – typically, "opening a bank account". This is usually done following verbal advice from officials accepting the documents; however, such an approach carries certain risks.

## **6. What is the procedure for obtaining a BIN for a foreign company?**

According to paragraphs 2 and 7 of Article 76 of the Tax Code, a foreign legal entity opening current accounts in resident banks is required to register as a taxpayer prior to opening the account.

To register as a taxpayer, the non-resident must submit a tax registration application to the tax authority at the location of the bank, along with notarized copies of the following documents:

- 1) founding (charter) documents;
- 2) documents confirming state registration in the country of incorporation, indicating the registration number (or its equivalent);
- 3) documents confirming tax registration (if available) in the country of incorporation or residence, including the tax number (or its equivalent);
- 4) a board resolution or similar decision of the governing body [Note by T.K.: regarding the opening of a bank account];
- 5) documents containing information on the beneficial owner.

In practice, the following documents are also frequently requested:

- 6) an extract from the commercial register or a certificate of incumbency, containing details on the company's registration, director, and shareholders;
- 7) a copy of the director's passport.

All documents of the foreign company must be apostilled or legalized<sup>27</sup>, and accompanied by a notarized translation into Russian or Kazakh.

Important: the tax authority requires notarized copies of the documents, not the originals. This means that even if a non-resident submits a copy of the charter notarized by a foreign notary, and even though such a document with an apostille appears to be an original, the tax authority will still require the notarized copy to be made within Kazakhstan.

## **7. What is the procedure for obtaining an EDS for companies with non-resident participation?**

As of June 28, 2025, the rules for obtaining an EDS<sup>28</sup> have been tightened. It is no longer possible to obtain an EDS via power of attorney. Now, the EDS can only be obtained in person and subject to biometric identification.

<sup>26</sup> <https://markirovka.ismet.kz/ru/business/product/medicine>

<sup>27</sup> Documents executed outside RK must be affixed with an Apostille if the issuing country is a party to the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, or otherwise legalized by the consular office of the Embassy of RK in the respective country. Documents issued in countries that are parties to the "Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" (Chisinau, October 7, 2002), executed by a notary or authorized body within their competence, are exempt from legalization under Article 12 of the Convention.

<sup>28</sup> Order of the Acting Minister for Investment and Development of RK dated June 26, 2015 No. 727 "On Approval of the Rules for Issuance, Storage, Revocation of Registration Certificates and Confirmation of Ownership and Validity of the Public Key by the Root Certification Authority of RK, the Certification Authority of State Bodies, and the National Certification Authority of RK" (as amended and supplemented as of June 28, 2025).

If biometric identification fails, or if the service recipient's photo is not available in the State Database of Individuals, the person must submit an application for EDS key generation from their personal computer, and then visit a PSC or a consulate (the list is available at [pki.gov.kz](http://pki.gov.kz)) for in-person identity verification and confirmation.

In addition, the applicant must have a mobile phone capable of receiving SMS. It remains unclear whether a foreign number can be used, as SMS delivery during EDS issuance at PSCs works only with local mobile operators, and the number must be registered in the Mobile Citizens Database (MCD) of Kazakhstan.

Thus, in the process of registering a legal entity, branch, or representative office, it must be taken into account that the director must personally arrive in Kazakhstan, obtain an IIN, wait for the LLP registration, and only then apply for an EDS.

However, not all foreign missions (consulates) have implemented this option yet, and without an EDS, access to key government services is impossible. For example, without registration of the employment contract in ESUTD<sup>29</sup>, it is not possible to obtain a work visa, and without access to the electronic invoicing system (ESF) and taxpayer cabinet, the company's operational activities may be effectively paralyzed. Additionally, some banks require an EDS to access their online banking services.

Moreover, due to the inability to obtain an EDS via power of attorney, we believe that difficulties may arise with the liquidation of an LLP in the absence of its director, since it is impossible to initiate a tax audit without an EDS, as all documents must be submitted through the taxpayer's online cabinet.

The developers of the e-Residence portal, used for company registration in the AIFC, have taken a more effective approach in this regard. The application is signed using the EDS of an individual applicant authorized by the founders' resolution to carry out company registration in the AIFC.

At the same time, a KYC (Know Your Customer) procedure is conducted, which includes photo verification of the applicant, directors, individual shareholders, and beneficial owners. This verification can be completed remotely from any computer or smartphone, and signing the application with an EDS confirms the authenticity of the submitted data.

Another convenient innovation introduced in the AIFC as of January 1, 2025, is the use of a registered electronic address<sup>30</sup> of companies (Article 24-1 of the Companies Regulation<sup>31</sup>), from which the Registrar and AIFC authorities accept notifications without the need for an EDS<sup>32</sup>.

## 8. What are the rules for using an EDS?

As of March 13, 2025, new amendments to the Administrative Code<sup>33</sup> came into effect, affecting accountants, outsourcing providers, and all those who use an electronic digital signature (EDS) in their work processes.

For violations of legislation on personal data protection, expressed in the unlawful collection or processing of personal data and failure to implement security measures, administrative fines have

<sup>29</sup> ESUTD – Unified System for Employment Contract Registration.

<sup>30</sup> See the [guide](#) on how to register an electronic address.

<sup>31</sup> AIFC Companies Regulations No. 2 dated 20 December 2017 (as amended on 14 October 2024, effective from 1 January 2025).

<sup>32</sup> [Guidance](#) on Post-registration Applications to the Office of the Registrar of Companies and Guidance on Post-registration (Event-driven) Applications to the Registrar of Companies.

<sup>33</sup> Code of Administrative Offenses of RK dated July 5, 2014 No. 235-V (as amended and supplemented as of July 1, 2025) (hereinafter – the "Administrative Code").



been tripled. Under Article 79 of the AOC, fines now range from 30 to 2000 MCI<sup>34</sup> (from 117,960 KZT to 7,864,000 KZT).

In addition, a new type of administrative offense has been introduced for violations of RK legislation on electronic documents and electronic digital signatures (Article 640 of the AOC). Specifically, there is now administrative liability for the use of an EDS by another person.

The legislation allows for delegation of authority to use an EDS, but such delegation must comply with the legal requirements – for example, through a power of attorney and internal orders<sup>35</sup>. Furthermore, on June 8, 2024, amendments were introduced to Paragraph 3 of Article 10 of the Law on EDS<sup>36</sup>, allowing delegation of signing rights without transferring the private key.

Under the new rules, the head of a legal entity, or a person acting on their behalf, may authorize an employee of the legal entity or a designated person to sign electronic documents. Each such employee uses a registration certificate and corresponding private key of an EDS issued in their own name (Paragraph 3, Article 10).

To delegate authority, the first executive of the company, via their personal account on the NCA RK portal, uses the "Delegation of rights" menu to assign authority to a specific employee of the organization who holds a valid EDS key, using the template "Employee with signing authority", based on the employee's IIN.

In practice, this creates a personal EDS for the accountant or outsourced specialist, which contains their IIN and full name. Using this EDS, the individual can submit tax reports and perform other required actions on behalf of the company.

This mechanism functions effectively, allowing for the management of accounting and operational processes without violating legislation and without the risk of penalties.

At the same time, documentary confirmation of the delegation is required. This can be done through an addendum to a service or employment contract, with clearly defined powers and responsibilities<sup>37</sup>.

## 9. What are the consequences of obtaining an IIN/BIN?

There are no legal consequences associated with holding an IIN as a foreign individual. Possession of an IIN does not imply any obligation to file reports or declarations in RK.

As for the BIN, the situation is less straightforward. According to clarifications from tax authorities, if the BIN was obtained solely for the purpose of opening a bank account, this does not trigger any tax obligations. However, if the company subsequently engages in activities in RK – for example, that result in the creation of a permanent establishment (PE), or even without a PE but giving rise to tax liabilities under the Tax Code (as is the case with certain online companies that pay the so-called "Google Tax") – then the company must file tax reports and pay taxes<sup>38</sup>.

It should also be noted that in recent months, cases of BIN cancellations have become more frequent. In particular, BINs have been annulled if the non-resident fails to open a bank account

<sup>34</sup> MRP (Monthly Calculated Index) – a monthly calculated indicator used for fines, taxes, and other payments. As of 2025, 1 MRP equals 3,932 KZT.

<sup>35</sup> <https://www.zakon.kz/obshestvo/6470604-kazakhstantsam-napomnili-pravila-ispolzovaniya-etsp.html>

<sup>36</sup> Law of RK "On Electronic Document and Electronic Digital Signature" dated January 7, 2003 No. 370-II (as amended and supplemented as of January 7, 2025) (hereinafter – the "Law on EDS").

<sup>37</sup> <https://uchet.kz/news/novyy-shtraf-za-ispolzovanie-etsp-drugogo-litsa-kak-izbezhat-riskov/>

<sup>38</sup> Letter of the State Revenue Committee of the Ministry of Finance of RK dated May 5, 2025 No. 3T-2025-01212027 and Response to the inquiry dated May 4, 2020 No. 1 (ref. Фл-К-2438).

within six months of obtaining the BIN, pursuant to subparagraph 11, paragraph 1, Article 78 of the Tax Code.

For example, a leading Polish pharmaceutical company had its BIN annulled, which prevented it from obtaining serial numbers on time and thus from supplying pharmaceutical products.

As previously mentioned, beginning in 2025, RK consulates started issuing IINs to CEOs of pharmaceutical companies in response to a problem that emerged the prior year: CEOs of major pharma firms refused to travel to RK solely to obtain an IIN (since the IIN is required to apply for a BIN, and subsequently for an EDS). Thus, the IIN issuance rules were amended to allow non-resident company directors to obtain an IIN at consulates (for the purpose of product serialization). However, the Tax Code still does not account for the fact that obtaining an EDS – without opening a bank account or establishing a PE – may itself be a valid reason to obtain a BIN.

A new Tax Code is expected to come into force on January 1, 2026, but unfortunately, according to the draft, the issue of obtaining a BIN solely for EDS purposes remains unresolved. One notable update in the area of tax registration is the plan to allow non-residents to be registered for the purpose of opening a bank account based on data provided by the banking institution and the taxpayer. In this case, the non-resident would no longer need to apply to the tax authority personally. Moreover, a registration certificate with a BIN number will not be issued (Article 77)<sup>39</sup>.

#### **10. In what cases is it necessary to make changes to the IIN/BIN?**

If an individual's full name or passport details change, corresponding updates to the IIN must be made. For example, when applying for an EDS, a mismatch between the IIN data and the applicant's current identity documents will prevent the operator from processing the request. Such changes must be made in person by the individual at a PSC.

If there is a change in the name of a legal entity, its director, or other registration details, a taxpayer registration application must be submitted for the foreign legal entity, selecting the option "update of registration details". Typically, supporting documents confirming the respective changes are required.

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For those interested in the comparative legal regimes of the Republic of Kazakhstan and the AIFC, we recommend reviewing previously published materials on this topic:

- Specifics of setting up and registering companies in the AIFC;
- Procedure for registration and licensing of private companies in the AIFC;
- AIFC versus national legislation of the Republic of Kazakhstan;
- 10 questions to a lawyer about registration of companies in the AIFC;
- 10 questions to a lawyer about redomiciliation of companies to the AIFC;
- 10 questions to a lawyer about a director and the CEO in the AIFC;
- 10 questions to a lawyer about post-registration actions in the AIFC;
- 10 questions to a lawyer about recent legislation amendments on the issues of migration and registration of legal entities in the Republic of Kazakhstan and the AIFC;
- 10 burning questions to a lawyer about activities of private companies in AIFC and
- Specifics of winding up, strike off and suspension of activities of companies in the AIFC.
- Comparative analysis of company liquidation procedures in the Republic of Kazakhstan and the AIFC.

<sup>39</sup> Open Legal Acts: <https://legalacts.eqov.kz/npa/view?id=15096317>

- Comparison of the legal nature of the charter capital in LLPs and private companies in the AIFC.

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