

Approved by the order
of the Minister of Finance of the
Republic of Kazakhstan from
26th of May 2008 #258

Statute of the Committee on Financial Monitoring of the Ministry of finance of the Republic of Kazakhstan

1. General provisions

1. The Committee on Financial Monitoring of the Ministry of Finance of the Republic of Kazakhstan (hereinafter referred to as Committee) is the department of the Ministry of Finance of the Republic of Kazakhstan carrying out within the competence of the central executive body realization and control functions in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism.

2. The Committee carries out its activity according to the Constitution and the Law of the Republic of Kazakhstan «On Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism » (hereinafter referred to as Law), acts of the President, of the Government of the Republic of Kazakhstan, other regulatory legal acts and international contracts along with the present Statute.

3. The Committee is the legal entity in the organizational legal form of the official body. It has stamps with its name in the state language, letterheads of the established sample, and also according to the legislation it has accounts in the Treasury bodies of the Ministry of Finance of the Republic of Kazakhstan.

4. The committee has its territorial unit which is the legal entity in the form of the official body created and abolished by the Government of the Republic of Kazakhstan, to which the Almaty Department of the Committee (hereinafter referred to as territorial unit) is referred, that is regulated by and accountable to the Committee.

For the purpose of the efficient organization of work, the Committee coordinates activity of territorial unit concerning realization of activity in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism, and also supervises the proper execution of the territorial unit entrusted to him in the prescribed manner of functions.

5. The Committee enters civil-law relations in its own behalf.

6. The Committee within its competence and as defined by legislation publishes the legal acts of individual application that are issued by orders of the chairman of the Committee or his deputy.

7. The structure and staff amount of the Committee is affirmed by the Executive Secretary of the Ministry of Finance of the Republic of Kazakhstan as agreed with the Minister of Finance of the Republic of Kazakhstan.

8. The legal address of the Committee: 010000, Astana city, Orynbor street,
8.

9. The Committee's full name is the official body «Committee on Financial Monitoring of the Ministry of Finance of the Republic of Kazakhstan».

10. The Statute is the constituent document of the Committee.

11. The Committee's activity is financed from the republican budget.

12. The Committee is forbidden to enter contractual relations with subjects of business concerning performance of obligations which are functions of the Committee.

2. Committee's Tasks and functions

13. Committee's Tasks:

1) realization of the unified state policy in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

2) Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism, coordination of state bodies work in this direction of activity;

3) creation of unified information system and republican database maintenance in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

4) realization of cooperation and information exchange with competent authorities of foreign states in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

5) representation of interests of the Republic of Kazakhstan in the international organizations concerning Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism.

13-1. Basic functions of the Committee:

1) collection and processing of information on operations with money and (or) other assets subject to financial monitoring according to the Law;

2) analysis of the received information in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

3) coordination of activity of state bodies in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

4) on demand of court on criminal cases provide necessary information on operations with money and (or) other assets which is subject to financial monitoring, for the settlement of the materials which are pending;

5) having reasons to believe that operation with money and (or) other assets is connected with Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism, provide information to the law-enforcement bodies according to their competence for acceptance of the remedial decision;

6) participation in elaboration and realization of programs of international cooperation concerning Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

7) organization of formation and republican database maintenance, and also maintenance of methodological unity and coordinated functioning of information

systems in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

8) working out and carrying out actions for the prevention of infringements of the legislation of the Republic of Kazakhstan on Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

9) generalization of practical application of legislation of the Republic of Kazakhstan On Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism on the basis of the information received from state structures and other organizations, and also elaboration and introduction of proposal on its perfection;

10) studying international experience and practice of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

11) carrying out actions for retraining and improvement of professional skills of staff in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

12) participation in the activity of international organizations in the sphere of Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism;

13) in coordination with state bodies that are carrying out regulation and supervision over the financial market and financial organizations, definition of the list of offshore zones for the Law of the Republic of Kazakhstan «About Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism».

3. Property of the Committee

14. The Committee has the separate property on the right of the operational administration.

The property fixed to the Committee relates to the republican property and is formed at the expense of the property transferred to it by the state, and consists of the fixed capital and circulating assets, and also other property which cost is reflected in the balance of Committee.

15. The Committee has not rights of independent alienation or disposal of its property.

16. The Committee can be given rights to order property disposal in cases and limits established by the legislation.

4. Organization of the committee's activity

17. The Committee supervises the territorial unit.

18. The Committee is headed by the chairman appointed and dismissed by the Minister of Finance of the Republic of Kazakhstan.

The chairman has two deputies who are appointed and dismissed by the Minister of Finance of the Republic of Kazakhstan according to the legislation.

19. The head of territorial division of the Committee is appointed and dismissed by the Minister of Finance of the Republic of Kazakhstan on presentation of the chairman of the Committee.

20. The chairman organizes and supervises over Committee's work, bears personal responsibility for the performance of tasks assigned to the Committee and realization of its functions.

21. The chairman:

1) defines duties and powers of the deputies, the head of territorial unit and structural divisions of the Committee;

2) according to the legislation appoints and dismisses the employees of the Committee and deputy head of the territorial unit;

3) according to the legislation imposes disciplinary punishments;

4) submits for approval to the Executive Secretary of the Ministry of Finance of the Republic of Kazakhstan the structure and staff amount of Committee and structure of territorial unit;

5) approves provisions about structural divisions of the Committee and its territorial unit;

6) approves the staffing of the Committee within the limit of staff amount of Committee;

7) in the order established by the legislation of the Republic of Kazakhstan solves questions of secondment, granting of holidays, rendering of financial aid, preparation (training), improvement of professional skill, bonuses, payment of extra charges and awards to Committee's employees and the head of territorial unit of the Committee;

8) signs Committee's orders;

9) represents Committee in all state bodies and other organizations according to the legislation;

9-1) bears personal responsibility on corruption counteraction;

10) carries out other powers according to the legislation of the Republic of Kazakhstan.

22. During absence of the Chairman his duties are executed by one of his deputies appointed by the Minister of Finance of the Republic of Kazakhstan.

23. The Committee can have the board which will be an advisory body. The numerical and personal structure of the board is approved by the Chairman from the number of vice-Chairmen and heads of structural divisions of the Committee.

5. Reorganization and liquidation of the Committee

24. Reorganization and liquidation of the Committee is performed according to the legislation of the Republic of Kazakhstan.