

On approval of the Rules for organization and conduct of auction bidding, including qualification requirements for auction participants, the content and procedure for submitting an application, types of financial security of an application for participation in the auction and conditions for their submission and return, the procedure for summarizing and determining winners

Unofficial translation

In accordance with subparagraph 5-5) of Article 6 of the Law of the Republic of Kazakhstan dated July 4, 2009 "On support for the use of renewable energy sources" **I ORDER:**

1. To approve the attached Rules for organization and conduct of auction bidding, including qualification requirements for auction participants, the content and procedure for submitting an application, types of financial security for an application for participation in the auction and conditions for their submission and return, the procedure for summarizing and determining winners.

2. The department for renewable energy sources of the Ministry of Energy of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall ensure:

1) state registration of this order at the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order sending its copy on paper and electronic form in the Kazakh and Russian languages to the Republican state enterprise on the right of economic management "Republican Center for Legal Information" of the Ministry of Justice of the Republic of Kazakhstan for official publication and inclusion in Standard control bank of regulatory legal acts of the Republic of Kazakhstan;

3) within ten calendar days from the date of state registration of this order, sending its copy for official publication in periodicals;

4) placement of this order on the official Internet resource of the Ministry of Energy of the Republic of Kazakhstan;

5) within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, submission of information on implementation of measures provided for in subparagraphs 2), 3) and 4) of this paragraph to the legal Department of the Ministry of Energy of the Republic of Kazakhstan.

3. Control over implementation of this order shall be entrusted to the supervising Vice-Minister of Energy of the Republic of Kazakhstan.

4. This order shall be enforced upon expiry of twenty-one calendar days after its first official publication.

*Minister of Energy of the
Republic of Kazakhstan*

K. Bozumbayev

"AGREED"

Minister of National Economy
of the Republic of Kazakhstan

_____ T. Suleimenov

December 27, 2017

Approved
by the order of the Minister of
Energy of the Republic
of Kazakhstan
dated December 21, 2017,
№ 466

Rules for organization and conduct of auction bidding, including qualification requirements for auction participants, the content and procedure for submitting an application, types of financial security of an application for participation in the auction and conditions for their submission and return, the procedure for summarizing and determining winners

Chapter 1. General Provisions

1. These Rules of organization and conduct of auction bidding, including qualification requirements for auction participants, the content and procedure for submitting an application, types of financial security of an application for participation in the auction and conditions for their submission and return, the procedure for summarizing and determining winners (hereinafter – the Rules) are developed in accordance with subparagraph 5-5) of Article 6 of the Law of the Republic of Kazakhstan dated July 4, 2009 "On support for the use of renewable energy sources" (hereinafter-the Law) and shall determine the procedure for organization and conduct of auction bidding, including qualification requirements for auction participants, the content and procedure for submitting an application, types of financial security of the application for participation in the auction and conditions for their submission and return, the procedure for summarizing and determining winners.

2. The following basic definitions are used in these Rules:

1) auction price – the price for the purchase of electric energy, produced by the facility for the use of renewable energy sources by the accounting and financial center, determined based on the results of auction bidding and not exceeding the level of the relevant maximum auction price;

2) auction bidding-a process, organized and conducted by the auction bidding organizer in the electronic system on the basis of the auction and aimed at selection of projects for construction of new facilities for the use of renewable energy sources and determination of auction prices of electric energy, produced by the facilities for the use of renewable energy sources, taking into account the plan of placement of facilities for the use of renewable energy sources;

3) register of auction bidding winners – a document, formed by the Organizer based on the results of auction bidding and confirming the results of the bidding;

4) a participant of auction bidding – hereinafter-participant) - an applicant, who has been registered at the Organizer and received the status of the participant;

5) auction bidding organizer (hereinafter-the Organizer) – a legal entity, determined by the authorized body, carrying out organization and conduct of auction bidding in the manner prescribed by the Law;

6) a bank guarantee - a written document, drawn up in accordance with the Rules for issuing of bank guarantees and sureties by the second-tier banks, approved by the resolution of the Board of the National Bank of the Republic of Kazakhstan No. 21 dated January 28, 2017 (registered in the Register of state registration of regulatory legal acts No. 14915), and issued by the bank to the client (debtor) on the basis of his(her) application in favor of a third party (creditor), according to which the bank undertakes to pay a limited amount of money to a third party (creditor) on the conditions specified in it;

7) a beneficiary - a person in whose favor payments and (or) money transfers are made;

8) a debtor - a legal entity on whose instructions the issuing bank issues a bank guarantee or a standby letter of credit in favor of a beneficiary;

9) unilateral auction - a form of organization of auction bidding, aimed at determining winners, by successive selection of applications of auction bidding participants from a ranked list of auction bidding participants;

10) renewable energy sources (hereinafter – RES) - energy sources, continuously renewable due to naturally occurring natural processes, including the following types: solar energy, wind energy, hydrodynamic energy of water; geothermal energy: heat of soil, groundwater, rivers, reservoirs, as well as anthropogenic sources of primary energy resources: biomass, biogas and other fuel from organic waste, used for production of electricity and (or) heat;

11) accounting and financial center for support of renewable energy sources (hereinafter-accounting and financial center) - a legal entity created by the system operator and determined by the authorized body, carrying out centralized purchase and sale of electric energy produced by the facilities for the use of RES and supplied to the electric networks of the unified electric power system of the Republic of Kazakhstan in the manner prescribed by Law;

12) maximum allowable power of RES facilities - the maximum allowable amount of power of solar and wind power plants connected to the electrical network, determined on the basis of technical capabilities of the electric power system;

13) the facility for using of RES - technical devices intended for production of electric and (or) thermal energy using RES and interrelated to them facilities and infrastructure technologically necessary for operation of the facility for using RES and being on the balance sheet of the owner of the facility for using RES;

14) an applicant - a legal entity planning to participate in the auction bidding;

15) a standby letter of credit - an obligation of the bank to pay the amount sum in favor of the beneficiary under the letter of credit upon the occurrence of the case (non-fulfillment of obligations to the beneficiary by the debtor). Standby letter of credit is issued by the SWIFT system;

16) a ranked list - a list of applications from the participants in auction bidding, ordered in ascending order of prices specified in applications;

17) a purchase contract - a contract for the purchase of electric energy from an energy producing organization using RES, at auction prices, concluded between the accounting and financial center and an energy producing organization using RES;

18) trading system - a set of organizational, technical, software components, providing the conduct of auction bidding via the Internet;

19) trading session - a process during which applications are submitted by the participants of auction bidding, determination of prices, volumes of auction bidding and a register of winners of auction bidding is formed;

20) an authorized body - central executive body, carrying out management and inter-sectoral coordination in the field of support for the use of renewable energy sources;

21) marginal auction price - maximum value of auction price for electric energy;

22) point of connection to the electrical network - the place of physical connection of the facility for the use of renewable energy sources of energy producing organization with the electrical network of energy transmitting organization;

23) minimum allowable amount of installed capacity - the amount of installed capacity, below which the participant does not implement the project to build a new facility for the use of RES.

Footnote. Paragraph 2 as amended by the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

2-1. The selection of projects for the construction of new facilities for the use of RES and the determination of auction prices of electric energy produced by the facilities for the use of RES, is carried out by organizing and conducting auction tenders with the prepared basic parameters of the project for the construction of new facilities for the use of RES (hereinafter – documentation) and/or without documentation.

Chapter 2. The procedure for organization and conduct of auction bidding

Paragraph 1. Preparation for auction bidding

3. The authorized body not less than 3 (three) months before the expected date of the auction bidding shall develop and publish on its Internet resource the schedule of auction bidding for the calendar year in the form, according to Appendix 1 to these Rules (hereinafter-the Schedule). The information in the Schedule is not subject to adjustment.

3-1. To prepare the documentation, the authorized body in January this year provides the settlement and financial center with information on the types of facilities for the use of RES, their location (indicating land plots) and the amount of installed capacity for the next two years.

The system operator in January of the current year at the request of the authorized body provides to the settlement and financial center information on possible points of connection to electric networks for auction with documentation.

Footnote. The rules are supplemented by paragraph 3-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

3-2. The settlement and financial center shall send to the Organizer the documentation indicating its value not later than 3 (three) months before the planned date of the auction for placement on the official Internet resource.

After receiving the documentation, the Organizer shall announce the date of the auction within 3 (three) working days.

Footnote. The rules are supplemented by paragraph 3-2 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

3-3. Documentation includes:

1) initial data, marketing research on the construction of a new facility for the use of RES, including the assessment of resource potential;

2) results of public hearings and preliminary environmental impact assessment;

3) the location of the land plot taking into account the technical characteristics and costs for the purchase/lease of land, taxes;

4) the scheme of power supply and technical conditions for connection, developed and agreed in accordance with the Grid rules approved by the order of the Minister of energy of the Republic of Kazakhstan dated December 18, 2014 № 210 (registered in the Register of state registration of regulatory legal acts for № 10899) (hereinafter – the Grid rules).

Preparation of documentation is carried out by the developer of documentation or transferred by the authorized body to the settlement and financial center.

Footnote. The rules are supplemented by paragraph 3-3 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

4. The Schedule contains information about the land plots planned to be allocated for construction of the RES facility and the points of connection to the electrical networks of power transmitting organizations, indicating the maximum allowable power and the number of possible connections.

5. Local executive bodies of regions, the cities of republican significance and the capital city in accordance with subparagraph 3-1) of Article 7 of the Law, shall reserve land plots for the planned construction of facilities for the use of RES until the winners of the auction bidding are granted the rights to a land plot, in accordance with the Land code of the Republic of Kazakhstan dated June 20, 2003 and send the relevant information to the authorized body in the form, according to table 1 of the Schedule.

6. The points of connection to the electrical network submitted by power transmitting organizations to the authorized body are reserved for the planned construction of facilities for the use of RES until the conclusion by the winner of the auction bidding of the contract on connection of facilities for the use of RES and (or) issue of technical conditions for connection to the electrical network and send the relevant information to the authorized body in the form according to table 2 of the Schedule.

7. From the moment of the Schedule publication until completion of all auctions planned according to the Schedule, the power transmitting organizations suspend the acceptance of applications for the receipt of technical conditions for connection to the electrical network on the reserved points of connection to the electrical network, specified in the Schedule.

8. Construction and operation of the facility for the use of RES shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of architectural, urban planning and construction activities and electric energy.

At the same time, the construction of the facility for the use of RES shall be carried out using new generating equipment (previously not being in operation).

Footnote. Paragraph 8 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

9. Acceptance of documents and registration of applicants in the auction bidding shall be made by the Organizer within the time specified in the Schedule approved by the authorized body.

10. For registration in the database of the trading system, the applicant shall apply to the official Internet resource of the Organizer for online registration and provide the Organizer with electronic documents in accordance with subparagraphs 1) - 5) of paragraph 19 of these Rules.

11. The applicant shall provide to the accounting and financial center the original of documents on financial security of application for participation in auction bidding no later than 2 (two) working days prior to the date of the beginning of auction bidding according to paragraph 4 of these Rules.

12. When providing the documents by the applicant in accordance with subparagraphs 1) - 5) of paragraph 19 of these Rules, concluding the contract between the applicant and the Organizer and payment for the services of the Organizer, the Organizer shall assign the status of the participant of auction bidding to the applicant.

Footnote. Paragraph 12 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

13. The organizer shall stop accepting documents from applicants 5 (five) working days prior to the start date of the auction bidding in accordance with the schedule of the auction bidding, approved by the authorized body.

14. The participant not later than 5 (five) working days before the start of the auction bidding shall notify the Organizer of the change of requisites, the list of the participant staff members, having the access to the trading system.

Footnote. Paragraph 14 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

15. A password granting the right of access to the trading system shall not be subject to transfer to third parties.

16. Tariffs for the services of the Organizer shall be set in accordance with the legislation of the Republic of Kazakhstan and be paid on the basis of the contract, concluded between the applicant and the organizer (hereinafter - the Contract).

17. The contract shall contain:

1) the subject of the Contract, types of services provided by the Organizer, terms and procedure for payment;

2) criteria and requirements for the applicant to participate in the auction bidding and admission to the auction bidding;

3) methods of conducting auction bidding;

4) the responsibility of the contract parties for violation of the terms of the Contract.

18. In order to organize and conduct auction bidding, the Organizer shall:

1) ensure the efficiency of the trading system for conducting auction bidding;

2) develop and approve methodical guidelines and procedures for conducting auction bidding;

3) provide the Participants with equal conditions of access to auction bidding;

4) conduct instruction of the Participant staff members on the work in the trading system;

5) interact with the authorized body and accounting financial center on the issues, related to organization and conduct of auction bidding;

6) publish on the official Internet resource the Register of auction winners.

18-1. The settlement and financial center creates the tender Commission on consideration of applications of potential suppliers for participation in competition, the admission and determination of the developer of documentation according to the specification.

Footnote. The rules are supplemented by paragraph 18-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Paragraph 2. Qualification requirements for the participants of auction bidding

19. To participate in the auction, Participants confirm the qualification requirements for legal capacity and solvency by providing the following documents:

1) providing a copy of the Charter;

2) providing a copy of the certificate of state registration/re-registration of a legal entity;

3) providing a copy of the decision of the relevant body of the legal entity on the appointment of the first head;

4) provision of power of attorney to the representative (if the representation of interests is carried out not by the first head);

5) providing information about the details of the legal entity (Bank details, address, contact numbers, e-mail address);

- 6) making financial security of the bid for participation in the auction;
- 7) copies of technical specifications for connection to the electric network, issued and agreed in accordance with the Grid rules or indication of the point of connection to the electric networks in accordance with the Schedule;
- 8) copies of documents of title to the land plot in accordance with the Land code of the Republic of Kazakhstan dated June 20, 2003 or indication of the land plot in accordance with the Schedule;
- 9) the copy of the letter of approval of the System operator "Schemes of issue of power of power plant" with the declared electric power of 5 MW and more developed according to power Grid rules or indication of the point of connection to electric networks according to the schedule;
- 10) confirmation letter on familiarization of the Participant with the documentation posted on the Internet resource of the Organizer for the participants participating in the auction with the documentation.

Footnote. Paragraph 19 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

20. Financial security of an application for participation in auction bidding in the form of a Bank guarantee or a standby letter of credit shall be issued in favor of the accounting and financial center.

Paragraph 3. Content and procedure of application

21. Auction bidding are conducted anonymously, remotely using the Internet, via the Internet resource of the Organizer's trading system.

22. Auction bidding are conducted in the form of a one-way auction.

23. The trading session during the auction is held within the terms approved by the authorized body according to the Schedule and lasts 1 (one) hour.

In this case, the trading session is extended by 5 (five) minutes upon receipt of an application from the bidders with a price lower than the available minimum offer within five minutes before the end of the trading session.

The total time of the trading session, taking into account the possible extension provided for in part two of this paragraph, shall not exceed 3 (three) hours from the opening time.

Footnote. Paragraph 23 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

24. Before the opening of the trading session Organizer:

1) enter into the trading system information on the volumes of the planned for the selection of the installed capacity, the maximum auction price and other information in accordance with the Schedule approved by the authorized body;

2) enter into the trading system, received from the authorized body information on the availability of reserved land for the planned construction of facilities for the use of renewable energy sources and the possibility of connecting to electric networks of power transmission organizations, indicating the maximum permissible power at the points of connection to electric networks.

3) enter into the trading system information on the amount of financial security of applications for participation in auction, received from the settlement and financial center;

4) enter into the trading system information on land plots and points of connection to electric networks in accordance with subparagraphs 7) and 8) of paragraph 19 of these Rules.

Footnote. Paragraph 24 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

25. The procedure of conducting trading session shall include:

- 1) opening of trading session by the Organizer;
- 2) submission of applications for participation in the auction bidding in the trading system by the participants;
- 3) closing of the trading session by the Organizer;
- 4) summarizing the results of the auction bidding, including determination of auction prices;
- 5) formation of the register of auction bidding winners and its publication on the Internet resource in the form, according to Appendix 2 to these Rules by the Organizer.

26. The application for participation in the auction of the Participant contains the following basic information:

- 1) name of the participant;
- 2) the price of electric energy for one kilowatt-hour without VAT, specified in the national currency of the Republic of Kazakhstan with the number of significant digits after the dividing sign not more than two;
- 3) the volume of installed capacity is not less than 100 kilowatts and a multiple of 1 (one) kilowatt;
- 4) the land plot planned for the construction of the facility for the use of RES, and the point of connection to the electrical network;
- 5) of the minimum amount of installed capacity.

Thus Participants, specify in the application the corresponding data on the parcel of land and the point of connection to the electric network, according to the issued specifications on connection to the electric network provided to the Organizer according to subparagraphs 7) and 8) point 19 of these Rules, or choose the corresponding data from the Schedule.

Footnote. Paragraph 26 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

27. Participants shall submit applications for participation in auction bidding into the trading system during the trading session, while the prices indicated in the applications should not exceed the values of the respective marginal auction prices.

28. Applications for participation in the auction bidding, submitted by participants during the trading session, with prices that coincide with the prices in applications for participation in the auction bidding of other participants, submitted to the trading system, shall be rejected.

29. Participants may not submit applications for participation in the auction bidding with indication of the volume exceeding:

- 1) the volume of installed capacity, put up for auction bidding by an authorized body;
- 2) the maximum allowable volume of power at the points of connection to electrical networks;
- 3) the amount of financial security of applications for participation in the auction bidding.

29. Participants submit applications for participation in the auction without documentation indicating the volume not exceeding:

- 1) the volume of installed capacity put up for auction by the authorized body;
- 2) the maximum allowable amount of power at the points of connection to electrical networks;
- 3) the amount of financial security of the bid for participation in the auction.

During the auction with documentation from the participant, an application is submitted within the financial security of the application for participation in the auction equal to the full volume of the installed capacity of the project put up for auction.

Footnote. Paragraph 29 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

29-1. When submitting bids in the auction without documentation, participants submit bids for each connection point and land plot separately within the financial security of the bid for participation in the auction.

Footnote. The rules are supplemented by paragraph 29-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

30. Participants can simultaneously apply for participation in the auction without documentation for several land plots planned for the construction of facilities for the use of RES, and several points of connection to the electricity network within the financial support of each submitted application for participation in the auction.

Footnote. Paragraph 30 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

31. The Participant's application, submitted for participation in the auction bidding in the trading system shall not be deleted.

32. Participants at their discretion, before the end of the time of acceptance of applications for participation in the auction, change the previously submitted application by filing a new application. At the same time, participants indicate the price in the new application is lower than in the previous one, and the volume of the previously submitted application is not subject to change.

The price change step is not less than 5 (five) tiyn per 1 (one) kilowatt-hour.

Footnote. Paragraph 32 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

33. Fixing the date and time of applications submission for participation in the auction bidding trading in the trading system shall be carried out by the Organizer with millisecond accuracy.

Paragraph 4. Types of financial security of applications for participation in the auction and conditions for their entry and return

34. In order to guarantee the fulfillment of the obligations assumed by the participants, as well as the obligations arising from the auction winners, these persons shall make financial security in the manner and on the terms specified in these Rules.

Information about the financial security of the bid for participation in the auction is confidential and not subject to disclosure.

Footnote. Paragraph 34 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

35. Financial security should be free from the rights of claims of third parties, as well as from other obligations of the participant and (or) of the auction bidding winner.

36. The money received as a result of the paid requirement under the Bank guarantee or the reserve letter of credit is credited to the special account of the reserve Fund of the settlement and financial center and (or) is sent by the settlement and financial center to prepare documentation in accordance with paragraph 3-3 of the Rules.

Footnote. Paragraph 36 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

37. The conditions for the deposit and return of financial security shall be determined in accordance with this paragraph.

38. Financial security of applications for participation in the auction bidding is provided by the applicants to the accounting and financial center and shall be a guarantee that he, if he is the winner of the auction bidding, shall conclude the purchase contract with the accounting and financial center on the terms and conditions provided by these Rules and make financial security for fulfillment of the purchase contract.

39. Financial security for fulfillment of conditions of the purchase contract shall be provided by the winners of the auction bidding to the accounting and financial center within 30 calendar days after signing the purchase contract in accordance with the Rules of the centralized purchase and sale by the accounting and financial center of electric energy, produced by the facilities for the use of renewable energy sources, approved by the order of the Minister of Energy of the Republic of Kazakhstan dated March 2, 2015 № 164 (registered in the Register of state registration of regulatory legal acts № 10662).

Footnote. Paragraph 39 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

40. Financial security of an application for participation in the auction bidding shall be issued in favor of the accounting and financial center and be provided to it not later than 2 (two) working days before the date of the auction bidding.

41. The accounting and financial center sends the Organizer a list of applicants having financial security, indicating the amounts, before 2 (two) hours of the auction bidding start.

42. The applicant chooses one of the following types of financial security of application for participation in the auction bidding, issued by the SWIFT system:

- 1) a bank guarantee;
- 2) a standby letter of credit.

43. The amount of financial security of the application for participation is:

1) in the auction without documentation - 2000 (two thousand) tenge per 1 (one) kilowatt of installed capacity multiplied by the installed capacity of the object for the use of RES specified in the application for participation in the auction.

2) in the auction with documentation - 5000 (five thousand) tenge per 1 (one) kilowatt of installed capacity multiplied by the installed capacity of the object for the use of RES specified in the Schedule.

Footnote. Paragraph 43 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

44. Financial security of application for participation in the auction bidding, made by the applicant in the form of a bank guarantee or a standby letter of credit, shall be returned (released) by sending of the relevant letter to the bank (banks) within 3 (three) working days from the date of conducting auction bidding by the accounting and financial center, when one of the following cases occur:

1) the participant did not become the winner of the auction bidding in accordance with the results of the auction;

2) the winner of the auction bidding concluded the purchase contract and made financial security for fulfillment the terms of the purchase contract.

Footnote. Paragraph 44 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

45. If the winner of the auction has evaded the conclusion of the purchase agreement and (or) has not provided financial security for the execution of the terms of the purchase agreement in accordance with paragraphs 38 and 39 of the Rules, the settlement and financial center shall issue a request for payment under the relevant Bank guarantee or stand-by letter of credit.

Footnote. Paragraph 45 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

46. Financial security is drawn up for a period of not less than 150 (one hundred and fifty) calendar days from the date of conducting auction bidding and is irrevocable.

Footnote. Paragraph 46 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 № 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

47. Financial security is fulfilled (withheld) by the bank when the following documents are provided by the accounting and financial center:

1) a statement of non-fulfillment of obligations by a debtor, on paper, signed by an authorized person of the accounting and financial center, and certified by a seal of the accounting and financial center;

2) a claim for payment indicating the amount of recovery in accordance with these Rules.

48. All bank charges and expenses related to financial security, including the Bank recipient (beneficiary), shall be paid by the debtor.

49. A bank guarantee or a standby letter of credit as a support of an application for participation in the auction bidding shall be provided from resident banks of the Republic of Kazakhstan, whose long-term foreign currency credit rating is not lower than “B” by Standard & Poor's or “B-” by Fitch or “B3” by Moody's Investors Service or the parental organization rating (which owns more than 50% of the shares of the resident bank of the Republic of Kazakhstan) is not lower than “BBB” by Standard & Poor's or “BBB” by Fitch or “Baa2” by Moody's Investors Service.

At the same time, a bank guarantee or a standby letter of credit of non-resident banks of the Republic of Kazakhstan must be confirmed by resident banks by issuing a guarantee against non-resident counter-obligations.

Non-resident banks of the Republic of Kazakhstan, which long-term credit rating in foreign currency not lower than “BBB” by Standard & Poor's, “BBB” by Fitch “Baa2” by Moody's Investors Service can issue a bank guarantee or a standby letter of credit without issuing appropriate counter-obligations.

Footnote. Paragraph 49 is in the wording of the order of the Minister of Energy of the Republic of Kazakhstan dated 11.09.2018 No. 360 (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

Paragraph 5. The procedure for summing up and determining winners

50. During the trading session, the following information is open to bidders without documentation:

1) General information describing the auction specified in the Schedule approved by the authorized body;

2) application for participation in the auction, submitted by the participant with all its parameters (price, application submission time);

3) the lowest price specified in the submitted applications for participation in the auction for sale (without specifying the volumes).

Footnote. Paragraph 50 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

50-1. During the trading session, the following information is open to bidders with documentation:

- 1) General information describing the auction specified in the Schedule approved by the authorized body;
- 2) application for participation in the auction, submitted by the participant with all its parameters (price, application submission time);
- 3) the bids submitted by bidders stating the price.

Footnote. The rules are supplemented by paragraph 50-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

51. The organizer calculates prices under the following conditions:

- 1) the total volume of installed capacity of applications for participation in auction tenders for sale is not less than 130% of the volume of demand of installed capacity;
- 2) the number of participants registered and admitted to the relevant auction in the trading system, at least two;

In case of failure to comply with the above conditions, the Organizer does not calculate the prices, closes the auction before the end of the closing time of the trading session and announces the auction has not taken place.

The provision of subparagraph 1) of this paragraph does not apply to the auction for the selection of projects using biomass, biogas and other fuels from organic waste used for the production of electric energy.

Footnote. Paragraph 51 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

52. The Organizer makes the ranked list, created in the order of increasing prices, specified in them, from applications for participation in the auction bidding.

53. Determination of the preliminary list of winners in the auction without documentation is carried out after the time of acceptance of applications for participation in the auction in the trading session, by successive selection from the ranked list in ascending order of the declared prices, to fully meet the demand.

Footnote. Paragraph 53 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

53-1. Determination of the winner in the auction with the documentation is carried out after the time of acceptance of applications for participation in the auction in the trading session, by selecting one application with the lowest price.

Footnote. The rules are supplemented by paragraph 53-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

54. If in the preliminary list of winners in the auction without documentation there are several pre-approved applications for participation in the auction, in which the connection point of the same name is indicated, the technical requirements of which can not be fulfilled due to the excess of the total volume of these applications for participation in the auction over the maximum allowable amount of power at this connection point and/or the number of possible connections, then from the preliminary list of winners of applications for participation in the auction are excluded in descending order of price, until the conditions of the maximum permissible amount of installed capacity at this connection point and the number of possible connections are fulfilled.

Footnote. Paragraph 54 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

55. If the last requested bid for participation in the auction without documentation from the preliminary list of winners can not be fully satisfied with the existing demand, the following conditions apply to the bidding:

1) if the satisfied volume of the last demanded bid for participation in the auction is 50% or more of its declared volume, then such bid for participation in the auction shall be satisfied on the basis of the auction in full or in the amount not exceeding the limit of the maximum permissible volume of the connection point. At the same time, the volume of selection of the installed capacity announced by the authorized body will be increased by the amount of the unsatisfied balance (or part of it) of the last demand application for participation in the auction from the ranked list;

2) if the satisfied volume of the last demanded bid for participation in the auction is less than 50% of its declared volume, then such bid for participation in the auction is checked for the condition of the minimum allowable amount of installed capacity.

Footnote. Paragraph 55 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

56. After checking the conditions specified in paragraphs 54 and 55 of these Rules, the Organizer determines the winner(s) of the auction without documentation and includes them in the register of winners of auction. In this case, the auction prices are determined at the prices specified in the submitted applications for participation in the auction.

Footnote. Paragraph 56 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

56-1. The participants of the auction without the bidding of projects using biomass, biogas and other fuel of organic wastes used for the production of electrical energy that are not included in the provisional list of winners of the auctions, the Organizer sends the offer on inclusion in the provisional list of winners at the lower price specified in the preliminary list of winners of the auctions.

In the case of obtaining the consent of such participant the amount of the auction increases by the amount of its submitted bid and the participant of the auction is included in the roster of winners of the auctions.

Footnote. The rules are supplemented by paragraph 56-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

57. According to the results of the held auction bidding, the Organizer, within 1 (one) hour after closing the trading session, shall send notifications on the results of the held auction bidding in electronic form to the Participants. Written notifications shall be sent to the participants no later than 6:00 pm Astana time of the next working day.

58. The register of the auction bidding winners shall be published on the Organizer's website within 1 (one) hour after closing of the trading session, indicating the auction prices and the volume of installed capacity of facilities for the use of renewable energy sources selected during the auction bidding.

58-1. Transfer of documentation by the settlement and financial center to the property of the winner of the auction is carried out by the conclusion of the relevant contract of sale.

The costs of documentation development, including related taxes, shall be reimbursed (paid) by the winner of the auction with documentation to the settlement and financial center within 30 calendar days from the date of publication of the relevant register of auction winners.

Footnote. The rules are supplemented by paragraph 58-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

59. The organizer not later than 1 (one) working day after closing of the trading session shall form and send to the authorized body the results of the auction bidding with a breakdown of the auction bidding procedure and full information about all applications submitted to the trading system and the Register of the auction bidding winners.

60. The authorized body within 5 (five) working days from the receipt of the Register of the auction bidding winners from the Organizer shall include the winners of the auction bidding in the layout plan of facilities on the use of RES and the list of energy producing organizations using RES.

At the same time, the auction bidding winners shall submit an application for conclusion of a purchase contract with the accounting and financial center within 60 (sixty) calendar days after inclusion in the list of energy producing organizations using RES.

Chapter 3. Final provision

61. The conduct of auction bidding may be suspended for a period of up to 30 minutes in case of the following circumstances:

1) technical problems on the server equipment or failures in the electronic system, which led to malfunction of the trading system;

2) technical problems of the equipment or communication channels of the Internet, which led to the impossibility of access to the trading system.

63. The conduct of auction bidding may be cancelled in case of the following circumstances:

1) it takes more than 30 minutes to resolve technical problems, specified in paragraph 61 of these Rules;

2) long (more than two hours) break in power supply of the trading hall and (or) server equipment of the trading system.

64. In case of cancellation of the auction bidding for the reasons, specified in paragraph 63 of these Rules, the repeated auction bidding shall be held on the next working day after the date of conduct of the auction bidding.

64-1. If the auction with the documentation is declared invalid for the reasons specified in paragraph 51 of these Rules, the Organizer shall hold them again in a month.

At the same time, if the repeated auction with the documentation is declared invalid, the authorized body shall determine the date of the next auction.

Footnote. The rules are supplemented by paragraph 64-1 in accordance with the order of the Minister of energy of the Republic of Kazakhstan dated 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

65. Disputes arising in the course of organization and conduct of auction bidding shall be resolved in accordance with the civil legislation of the Republic of Kazakhstan.

Appendix 1
to the of the Rules for
organization and conduct
of auction bidding, including
qualification requirements for
auction participants, the content
and procedure for submitting an
application, types of financial
security of an application for
participation in the auction and
conditions for their submission
and return, procedure for

summarizing and determining
winners
Form

Footnote. Appendix 1 in the wording of the order of the Minister of energy of 27.06.2019 No. 228 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

The schedule of carrying out auctions

Bidding date	Bidding time (Nur-Sultan time)	The period for accepting documents for inclusion in the register of auction bidding participants	UES zone	Type of RES	Volume of purchased installed capacity, MW		The amount of the marginal auction price, tg / kWh	Required date of commissioning, validity term of the contract	Financial security of application for participation in the auction bidding at the rate of 1 kW of installed capacity of the project	Financial security for the fulfillment of the terms of the purchase contract on the basis of 1 kW of installed capacity of the project
					small from 0.1 to 10 MW inclusively (for UES from 0.75 MW)	large over 10 MW				

Appendix 2
to the of the Rules for
organization and conduct
of auction bidding, including
qualification requirements for
auction participants, the content
and procedure for submitting an
application, types of financial
security of an application for
participation in the auction and
conditions for their submission
and return, procedure for
summarizing and determining
winners
Form

**The registry of the winners of the auction bidding
from " __ " _____ 20__ № __**

Ser.No.	Bidding date	Transaction number	Type of RES	Name of the winner	Land plot	Connection point	Auction price, tg / kWh (without VAT)	Installed capacity, kW
	TOTAL:							