



**Guidance on
annual filing and reporting obligation
of AIFC Participants to the Registrar of
Companies**

AIFC Participants are obliged to complete a specified number of filings to the Registrar of Companies on an annual basis. The following are the ongoing filing obligations:

- Filing of annual accounts
- Filing of annual return
- Filing of annual confirmation statement

ANNUAL ACCOUNTS

Every entity must keep adequate accounting records. The accounts must be prepared in accordance with the AIFC Regulations and Rules. Maximum fine for contravention is 10 000 USD.

Who shall file annual accounts?

Annual accounts must be filed with the Registrar by:

- ✓ Companies;
- ✓ General Partnerships;
- ✓ Limited Partnerships;
- ✓ Limited Liability Partnerships;
- ✓ NPIOs;
- ✓ Foundations.

When to file annual accounts?

Note: Financial year end is not the same as Tax period.

Company	<p>The Directors of a Company must approve the Company's accounts and must ensure that they are signed on their behalf by at least 1 Director.</p> <p>The Directors of a Company must ensure that, within 6 months after the end of each financial year of the Company, the accounts for that year are:</p> <p>(a) prepared and approved by the Directors; and</p> <p>(b) examined and reported upon by an Auditor; and</p> <p>(c) if the Company is a Public Company—laid before a General Meeting, together with a copy of the Auditor's report and Directors' report, for discussion and, if considered appropriate, approval by the Shareholders; and</p> <p>(d) for all Companies—sent, together with (if applicable) a copy of the Auditor's report or Directors' report (or both), to every Shareholder, other than a Shareholder for whom the Company does not have a current postal address.</p> <p>A Company must file annual accounts with the Registrar, <u>within 14 days after the day (d) is complied with in relation to a financial year.</u></p> <p><u>Supporting documents:</u></p> <ul style="list-style-type: none"> - a copy of the accounts and the Auditor's report for the financial year; and - if the Company is a Public Company, a copy of the Directors' report for the financial year.
----------------	---

	<p>Note: Unless otherwise provided in its Articles of Association, a Private Company and its Directors are not required to get the accounts examined and reported upon an Auditor and file the accounts with the Registrar if the Company, during the current year for which the accounts are being prepared and, if the Company has existed for more than 1 financial year, the year immediately before that financial year, has:</p> <ul style="list-style-type: none"> - an annual turnover of not more than U.S. \$5,000,000; and - an average of not more than 20 Shareholders.
General Partnership	<p>Within 6 months after the end of a General Partnership's financial year, the partners must approve the partnership's accounts and must ensure that they are signed on their behalf by at least 1 of them.</p> <p><u>A General Partnership must file its accounts for a financial year with the Registrar of Companies within 7 days after the day the accounts are approved by the partners.</u></p> <p><i>It is not necessary for a General Partnership to appoint an auditor or have its accounts audited, unless this is required by the Rules or its partnership agreement.</i></p>
Limited Partnership	<p>Within 6 months after the end of the financial year, the accounts for the financial year must be: (a) prepared and approved by all the Partners; and (b) signed on their behalf by at least 1 of the Partners, one of whom must be a General Partner.</p> <p><u>The Limited Partnership must file a copy of its accounts for the financial year with the Registrar of Companies within 7 days after the day the accounts are approved by the Partners.</u></p> <p><i>It is not necessary for a Limited Partnership to appoint an auditor.</i></p>
Limited Liability Partnership	<p>Within 6 months after the end of the financial year, the accounts for the financial year must be: (a) prepared and approved by all the members; and (b) signed on their behalf by at least 1 of the members; and (c) examined and reported on by an Auditor.</p> <p><u>The Limited Liability Partnership must file a copy of its accounts for the financial year, and the Auditor's report on the accounts, with the Registrar of Companies within 7 days after the day the accounts have been reported on by the Auditor.</u></p>
NPIO	<p>The Founding Members of an Incorporated Organisation must ensure that accounts are prepared in relation to each financial year of the Incorporated Organisation within 6 months after the end of the financial year</p> <p><u>An Incorporated Organisation must file its audited accounts for a financial year with the Registrar of Companies within 7 days after the day the accounts are approved by the Founding Members and reported on by an Auditor.</u></p>
Foundation	<p><u>A Foundation shall within thirty (30) days after the accounts have been approved by the Council file a copy of its annual accounts with the Registrar.</u></p>

ANNUAL RETURN

Note: Not to be confused with the annual accounts filing the two are completely separate filings and will not usually be filed at the same time.

Who shall file an annual return?

Annual returns must be filed with the Registrar by:

- ✓ Public Companies;
- ✓ Private Companies with an annual turnover of more than U.S. \$500,000, or an average of more than 20 Shareholders;
- ✓ Private Companies, which have not made an election under section 26-1 (Annual confirmation of accuracy of information in the register) of the AIFC Companies Regulations;
- ✓ Recognised Companies;
- ✓ Foundations.

When to file an annual return?

Annual returns must be filed with the Registrar within 6 months of the end of each financial year, or other date the Registrar considers appropriate. Maximum fine for contravention is 10 000 USD.

The form for submission of an annual return is available at <https://afsa.aifc.kz/post-registration/>.

Notes:

- In accordance with Section 147 of the AIFC Companies Regulations, a Recognised Company must give the Registrar a copy of each annual return filed in its jurisdiction of incorporation, within 30 days after the day it files the annual return in that jurisdiction.
- Financial year end is not the same as Tax period.

ANNUAL CONFIRMATION STATEMENT

Filing of an annual confirmation statement is a way of confirming that important company data registered at the Office of the Registrar and displayed on the public register is accurate and up to date.

Private Companies must file a confirmation statement even if there have not been any changes to your company during the review period. This confirms that your records are up to date and the information we hold is correct. Maximum fine for contravention is 10 000 USD.

Who shall file an annual confirmation statement?

Annual confirmation statement must be filed with the Registrar by:

- ✓ Private Companies with an annual turnover of less than U.S. \$500,000 or an average of less than 20 Shareholders during the year for which the annual confirmation statement is being prepared; or
- ✓ Private Companies which have made an election under section 26-1 (Annual confirmation of accuracy of information in the register) of the AIFC Companies Regulations.

AIFC form for notifying about the election to file an Annual confirmation statement is available at <https://afsa.aifc.kz/post-registration/>.

When to file an annual confirmation statement?

Before the end of the period of 14 days after the end of each review period. Review period is:

- the period of 12 months beginning with the day of the company's incorporation;
- each period of 12 months beginning with the day after the end of the previous review period.

The Annual confirmation statement form is available at <https://afsa.aifc.kz/post-registration/>.

GET IN TOUCH

The Office of the Registrar is open from Monday to Friday, 9:00 to 18:00 and may be contacted during working hours at +7 (7172) 64 73 75, +7 (7172) 64 74 46 or by email at post-registration@afsa.kz