



**SAYAT ZHOLSHY
& PARTNERS**
Lawyers and attorneys at law

Hundreds of won cases and completed billion-dollar transactions. Selection of top national and international companies



**20 YEARS
OF SUCCESS**

TAX LAW

- “Our tax practice is based on 20-year experience and in-depth specialisation in this area of law”.
- “We know how to challenge tax audit results and unreasonable tax/fine assessments”.
- “We will help to structure transactions and ensure maximum possible tax optimisation”.

TAX LAW

Tax practice is one of Sayat Zholshy & Partners' priority services relying on long-term experience and profound specialisation of our lawyers in this area of law.

SZP team has all necessary capabilities and resources to offer its clients a full range of tax-related services in various spheres of business, including, but not limited to, M&A transactions, cross-border transactions, dealings with non-residents, applicability of double-tax treaty provisions, transfer pricing, investments, financial leasing, subsoil use, etc.

Sayat Zholshy & Partners is a co-founder of the Kazakhstan National Taxpayer Association (KNTA), a non-profit organisation called to represent and defend the rights of Kazakhstan taxpayers.

SERVICES

- Advice, recommendations and legal opinions on Kazakhstan taxation and transfer pricing issues
- Legal support in connection with tax audits
- Representation and protection of clients in their relations with tax authorities
- Appeals against actions/omissions and/or decisions of tax authorities through departmental or judicial hierarchy, including appeals against notices of tax audit results and other tax audits, and against enforcement and enforced collection methods applied by tax authorities
- Representation and protection of clients in connection with tax administrative or criminal proceedings
- Transaction structuring (as well as optimization and planning) and inherent tax risk assessment
- Assessment of proposed and closed transactions with regard to tax liability risks
- Recommendations on the choice of an optimal form of business in Kazakhstan
- Clarification of non-residents' taxation and application of double-tax treaties in Kazakhstan

- Representation of clients in connection with VAT refund
- Representation of non-residents in connection with the refund of income tax from the budget or escrow accounts
- Drafting responses to tax notices and letters, including notices on desk tax audit results
- Reviewing active contracts with regard to their transfer pricing compliance and assessing associated risks
- Drafting requests to tax authorities for clarification of Kazakhstan tax legislation
- Arranging for tax registration of non-residents in the Republic of Kazakhstan
- Arranging for VAT and certain types of activity registration/deregistration
- Assistance with the preparation and filing of individual income tax returns on behalf of non-resident individuals receiving property income and/or other income outside Kazakhstan and/or holding cash in bank accounts with foreign banks outside Kazakhstan and/or beneficially owning immovable properties located outside Kazakhstan and/or securities/interests in the authorized capital of legal entities incorporated outside Kazakhstan.
- Assistance with the preparation and filing of non-residents' tax reporting (save for non-resident entities operating in Kazakhstan through permanent establishments) required by Kazakhstan tax law

EXPERIENCE

- Analysing and advising on tax efficiency and tax optimisation of the existing and proposed corporate structures of a Kazakhstan holding. The transaction value approximated 200 mln US dollars
- Advising, structuring and issuing recommendations on tax efficiency (including assistance with the issues connected with international tax planning) in connection with the spinoff of assets and sale of business related to the development of a uranium deposit in Kazakhstan; assisting with the assets ownership restructuring and supporting the assets sale transaction. The transaction value exceeded 140 mln US dollars
- Advising and issuing recommendations on tax planning (including international tax planning) in connection with the disposal of subsoil use assets and the related restructuring of the holding ownership. Client: a non-resident entity exercising indirect control over the subsoil user. The transaction value approximated 50 mln US dollars
- Advising and issuing recommendations on tax efficiency (including assistance with international tax planning) in connection with the disposal of subsoil use assets; assisting with the assets ownership restructuring and supporting the assets sale transaction. Client: a non-resident entity exercising indirect control over the subsoil user. The transaction value approximated 15 mln US dollars
- Advising on taxation of a major Russian company in connection with the purchase of shares in a foreign entity having indirect control over two Kazakhstan subsoil users. Our advice enabled the transaction participants to avoid the loss of about 70.5 mln US dollars
- Advising and issuing a legal opinion on tax issues in connection with the sale and purchase of a major Kazakhstan transportation holding. The transaction value approximated 180 mln US dollars
- Advising on taxation of income received by a non-resident entity from Kazakhstan sources (approximately 40 mln US dollars) paid by a Kazakhstan resident provider of transportation and logistics services
- Advising and issuing recommendations on tax efficiency in connection with the purchase of assets related to rare-earth ores processing and beneficiation; assisting with the assets ownership restructuring and supporting the assets purchase transaction. Client: a major Kazakhstan mining company. The transaction value exceeded 5 mln US dollars

- Advising on the reasonableness of challenging a notice on tax audit results. Client: a foreign bank subsidiary. The transaction value approximated 3 mln US dollars
- Judicial appeal against a notice on tax audit results with regard to the determination of the Republic of Kazakhstan's interest in a Production Sharing Agreement. Client: a foreign-invested subsoil user. The disputable amount approximated 7 mln US dollars
- Representing a mining holding in connection with the challenging of tax authorities' omission to act with regard to the non-refund of the difference between input VAT and output VAT applicable to zero-rated sales totalling over 7 mln US dollars
- Judicial appeal against a notice on tax audit results with regard to the assessment of taxes and other obligatory payments to the budget due from a major oil producer operating in the Mangistau Oblast, Kazakhstan for a total amount of 65 mln US dollars
- Appeal (through superior tax authorities) against a notice on tax audit results with regard to the assessment of different taxes due from a major manufacturing company for a total amount over 9 mln US dollars
- Judicial appeal against a notice on tax audit results with regard to the assessment of taxes and other obligatory payments to the budget due from a major Kazakhstan telecommunications company for a total amount over 8 mln US dollars
- Judicial appeal against a notice on tax audit results with regard to the assessment of VAT and other taxes due from a chemical company for a total amount over 3 mln US dollars
- Judicial appeal against a notice on tax audit results with regard to the assessment of special subsoil taxes due from a subsoil user for a total amount over 1 mln US dollars
- Advising a Russian transportation company on taxation of income from international transportation services (including through the territory of Kazakhstan) and associated activities approximating 3.4 billion tenge
- Advising a Kazakhstan land owner on tax implications of a land sale and purchase transaction the value of which approximated 5 mln US dollars
- Advising a tobacco producer on the need of tax registration of a non-resident's permanent establishment in the Republic of Kazakhstan

TEAM



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AWARDS



“Sayat Zholshy & Partners” has a highly professional and strong tax practice with expertise in transactions, double-tax treaties and transfer pricing”



Recommended for consultations in tax law by Chambers