

**LAW OF THE REPUBLIC OF TAJIKISTAN
ON EXTERNAL ECONOMIC ACTIVITY IN
THE REPUBLIC OF TAJIKISTAN**

(in edition of the Law No.3 of the Republic of Tajikistan as of February 28, 2004)

Annotation

The Law of the Republic of Tajikistan on External Economic Activity of the Republic of Tajikistan enacted in December 27, 1993, consists of 4 Chapters and 20 Articles. The Law determines general regulations of such activity in the Republic of Tajikistan, determines the procedure of implementation and state regulation of external economic activity in the Republic of Tajikistan. The Law specifies guarantee of rights and responsibility of subjects of the activity, and determines the procedure of dispute resolution.

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The present law defines the external economic relations of the Republic of Tajikistan, and in accordance with international law, insures the protection of the rights, interests and property of participants in external economic relations, regardless of ownership status, and creates the legal basis for the integration of the economy of the Republic of Tajikistan into the world economic system.

**CHAPTER I
GENERAL PROVISIONS**

Article 1 External economic activities

External economic activities include the sum of the practical activities of the state departments and offices, public organizations, firms, enterprises, associations, joint-stock companies, consortiums and joint ventures, entrepreneurs, henceforth referred to as the legal and physical persons. The main purpose of these activities is to establish and develop the mutually beneficial cooperation with foreign states, their legal and physical persons, and international organizations.

Article 2 Republic of Tajikistan as a subject of external economic relations

Republic of Tajikistan carries out:

- a) The regulation of economic activities in the external economic sphere;
- b) The elaboration and implementation of external economic policy, including currency and credit policy, quotation and licensing, and other external economic operations;
- c) The conclusion and fulfillment of interstate agreements and international treaties in the external economic and external trade spheres;
- d) The protection of the economic interests of the Republic of Tajikistan, and

- those of legal and physical persons of the Republic of Tajikistan abroad;
- e) The establishment of the legal guarantees for foreign investors' activity in the territory of the Republic of Tajikistan;
 - f) The representation in international economic organizations and unions;
 - g) Any other functions as ensured by the Constitution of the Republic of Tajikistan and other laws of the Republic of Tajikistan.

Article 3 The basic principles of relationships between the Republic of Tajikistan and foreign states and their legal and physical persons in the sphere of external economic activities

The Republic of Tajikistan carries out external economic activities according to the following principles:

- a) Mutually beneficial cooperation with all states, foreign legal and physical persons and international organizations;
- b) Equality of the parties;
- c) Non-intervention in the internal affairs of participants in external economic relations;
- d) Fulfillment of mutual obligations accepted under agreements with foreign states, their legal and physical persons and international organizations;
- e) Compliance with other international rules, regulations and terms.

Article 4 Objects of external economic activities

Objects of external economic activity in the Republic of Tajikistan include the resources of all types created in all areas and spheres of the national economy, including labor resources, goods and services, securities, scientific and technical production, investments, intellectual property and other valuables, except for those objects forbidden by the legislature of the Republic of Tajikistan to be used in the foreign economic activity.

Article 5 Participants in external economic activity

Participants in external economic activities in the Republic of Tajikistan, regardless of property status may be legal and physical persons, including foreigners as well as international organizations acting in the territory of the Republic of Tajikistan or abroad, after they have completed the required registration procedures in the Republic of Tajikistan (The Law No.3 of the Republic of Tajikistan as of February 28, 2004).

Article 6 Legislature of the Republic of Tajikistan regulating external economic activity of the Republic of Tajikistan

Legislature of the Republic of Tajikistan regulating external economic activity of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of the present Law, other normative legal acts of the Republic of Tajikistan as well as international legal acts recognized by the Republic of Tajikistan (The Law No.3 of the Republic of Tajikistan as of February 28, 2004)

THE IMPLEMENTATION OF EXTERNAL ECONOMIC ACTIVITIES

Article 7 The rights of participants in external economic activities

Participants in external economic activities have rights to carry out external economic activities regardless of ownership form and the type of external economic activity.

A participant in external economic activities, in accordance with the legislation of the Republic of Tajikistan, may independently determine the nature and intent of his participation in external economic relations and employ the legal and physical persons required for his external economic activities on the basis of a contract, on remunerative terms or on a free basis.

A participant in external economic activities may possess, use and dispose of the results of the external economic activities, including income in currency, in accordance with the laws of the Republic of Tajikistan. The participant may decide that the possession, use and disposition of the results of the external economic activities should be entrusted to other legal and physical persons within the limits of the legislation in force. The relationship between the parties during the succession of rights is regulated by contract.

Article 8 The obligations of participants in external economic activity

A participant in external economic activities is obliged to:

- a) Abide by the laws and regulations of the Republic of Tajikistan as well as international law;
- b) Possess an expert's assessment of conformity with sanitary and phytosanitary, environmental and other requirements of the works, research and projects carried out in course of international cooperation.
- c) Obtain a license for certain types of external economic activities in accordance with the list of the Government of the Republic of Tajikistan. (The Law No.3 of the Republic of Tajikistan as of February 28, 2004)

Article 9 Participation of the banks of the Republic of Tajikistan in the carrying out of external economic activities

9.1 The procedure of international currency, credit and accounting operations connected with the settlement of balance of payments of the Republic of Tajikistan, as well as obtaining and distribution of foreign currency is determined by the Supreme Council and the Government of the Republic Tajikistan.

9.2 The payment and credit, cash and other operations for the service of participants in external economic activities in the territory of the Republic of Tajikistan should be performed by commercial banks and banking organizations possessing a license from the National bank of the Republic of Tajikistan which are authorized to open accounts in national and foreign currency for domestic and foreign legal and physical persons. (The Law No.3 of the Republic of Tajikistan as of February 28, 2004)

Article 10 Representation of foreign states for trade and economic matters

Foreign states may establish representations for trade and economic matters. The scope of their activities is defined by each foreign state; their functioning shall be carried out in accordance with the legislation of the Republic of Tajikistan.

Article 11 Representations of enterprises, organizations, and foreign states in the Republic of Tajikistan and representations of the Republic of Tajikistan, its enterprises and organizations abroad for trade and economic matters

The Republic of Tajikistan and its legal and physical persons may establish representations abroad; and legal and physical persons of any foreign state may establish representations in the Republic of Tajikistan. The procedures for the opening and functioning of these representations are set by the Government of the Republic of Tajikistan. (The Law No.3 of the Republic of Tajikistan as of February 28, 2004)

Article 12 External economic activities in the territory of the Republic of Tajikistan with the participation of foreign legal and physical persons

12.1 Enterprises, international economic and financial organizations with foreign investment may be established in the territory of the Republic of Tajikistan as well as associations with participation of judicial and physical persons of the Republic of Tajikistan may be established in the territory of foreign countries in accordance with the laws of the Republic of Tajikistan.

12.2 Free economic zones may be established in the Republic of Tajikistan; the terms of implementation of economic activities in these zones are defined by the laws of the Republic of Tajikistan.

12.3 The Republic of Tajikistan can carry out border trade with neighboring countries in accordance with international agreements.

**CHAPTER III
STATE REGULATION OF EXTERNAL ECONOMIC ACTIVITY**

Article 13 Forms of state regulation of external economic activities

State regulation of external economic activity includes:

Excluded (The Law No.3 of the Republic of Tajikistan as of February 28, 2004)

- Establishment of differential tax rates and privilege systems including monetary privileges;
- Creation of a state system for the provision of information for external economic activities;
- Granting of financial aid such as subsidies, grants, budget loans, bank credits associated with the implementation and development of external economic activities of specific regions of the country, branches, enterprises, and individual citizens;

- Elaboration, financing and conducting of assessments of target complex programs for the development of different forms of external economic relations in the Republic of Tajikistan;
- Expertise of contracts, treaties, agreements and other legal documents affecting the economic interests of the Republic of Tajikistan;
- Declaration of imported and exported goods and property in the Republic of Tajikistan;
- Establishment of regulations on the export and import of products (works and services);
- Formation and use of currency and other funds.

Article 14 Direction and management of external economic activities

14.1 The general supervision of external economic activities is conducted by the Government of the Republic of Tajikistan in a common direction.

14.2 The Ministry of External Economic Relations of the Republic of Tajikistan carries out the organization, coordination and control of the activities of participants in the external economic relations, regardless of their ownership form as well as the granting of economic assistance to the Republic of Tajikistan by foreign organizations, legal and physical persons.

Article 15 Currency self-sufficiency

15.1 All currency expenses of the participants in external economic activities are provided by profits and other sources of currency permitted by law.

15.2 The foreign credits must be repaid from the income of participants in external economic activities.

CHAPTER IV GUARANTEES OF THE RIGHTS AND RESPONSIBILITIES OF THE PARTICIPANTS IN EXTERNAL ECONOMIC ACTIVITIES

Article 16 Guarantees of the rights and interests of the participants in external economic activities

16.1 The Republic of Tajikistan guarantees the legal rights and interests of the participants in external economic activities.

16.2 If the acts adopted by the governmental agencies of the Republic of Tajikistan infringe the rights of participants in external economic activities determined by this law, the incurred damages must be recompensed by the respective agencies through court proceedings, in accordance with the laws of the Republic of Tajikistan and international law.

Article 17 Suspension and termination of foreign economic activity

Activity of external economic subjects in presence of unfair competition or in case if their activity damages the interests of the Republic of Tajikistan shall be suspended in accordance with the legislature of the Republic of Tajikistan (The Law No.3 of the Republic of Tajikistan as of February 28, 2004).

The cessation of external economic activities by its participants may occur voluntarily or by a judgement in cases of an infringement of the laws of the Republic of Tajikistan, bankruptcy and other reasons the list of which is determined by authorized body of the Republic of Tajikistan. The decision on suspension or termination of external economic activities may be appealed to court (The Law No.3 of the Republic of Tajikistan as of February 28, 2004).

Article 18 The responsibilities of the participants in external economic activities

The state does not bear responsibility for the obligations of the participants in external economic activities. Participants do not bear responsibility for the obligations of the state.

In case of non-observance of obligations, the participants in external economic activities bear economic and other responsibility as established in the laws of the Republic of Tajikistan, international legal acts and signed agreements.

Payments of fines for infringement of the terms of the agreements and compensation for damages do not free a party in breach from its obligations if there are no other terms fixed in the law or contract.

Article 19 Dispute settlement

Any dispute which arises as a result of the external economic activities shall be examined by the courts of the Republic of Tajikistan in accordance with the laws of the Republic of Tajikistan as well as international law.

Article 20 Responsibility for infringement of the legislation on external economic activities

For infringement of this law and other legislative acts on external economic activities, the party in breach bears responsibility according to the laws of the Republic of Tajikistan.

Chairman of the Supreme Council of the
Republic of Tajikistan

E. Rahmonov

December 27, 1993
Dushanbe

RESOLUTION OF THE SUPREME COUNCIL
OF THE REPUBLIC OF TAJIKISTAN

ON ENACTING THE LAW OF THE REPUBLIC OF TAJIKISTAN ON
EXTERNAL ECONOMIC ACTIVITY OF THE REPUBLIC OF TAJIKISTAN

Supreme Council of the Republic of Tajikistan resolves:

1. To put into force the Law of the Republic of Tajikistan on External Economic Activity of the Republic of Tajikistan from the moment of its publication.
2. The Council of Ministers of the Republic of Tajikistan to take necessary decisions, providing the realization of the Law of the Republic of Tajikistan on External Economic Activity of the Republic of Tajikistan

Chairman of the Supreme Council

of the Republic of Tajikistan

E. Rahmonov

December 27, 1993

Dushanbe