

## TAJKISTAN LAW ON LICENCING OF SEPARATE TYPES OF ACTIVITY

The Present Law defines the types of activity subject to licensing, determines the legal basics for issuing license to implement separate types of activity and is directed at observing standards and qualifications requirements necessary for the implementation of these types of activity, ensuring the protection of interests and security of individuals, society, and the state.

### Article 1. Basic Definitions

The present Law uses the following basic definitions:

- license –special permission issued by a licensing body to a legal entity or individual entrepreneur for implementing a specific type of activity with the mandatory observance of licensing requirements and conditions;
- licensed type of activity – an activity the implementation of which requires license pursuant to the present Law within the territory of Republic of Tajikistan;
- licensing – arrangements related to license issuing, re-legalization of documents confirming the license availability, license suspension and recommencement, license cancellation and oversight by a licensing body over the observance by licensees of the relevant licensing requirements and conditions when implementing the licensed types of activity;
- licensing requirements and conditions – an aggregate of requirements and conditions determined by provisions on licensing peculiarities for specific types of activity and the implementation of which by licensees is mandatory;
- licensing bodies – executive power bodies implementing licensing in compliance with this Law;
- licensee –a legal entity or individual entrepreneur having license to implement the specific type of activity;
- license candidate–a legal entity or individual entrepreneur which has applied to a licensing body to issue license for implementing the specific type of activity;
- license register –an aggregate of data on license issuing, re-legalization of documents confirming the license availability, license suspension, resumption, and cancellation.

### Article 2. Tajikistan Legislation on Licensing for Specific Types of Activity

The Tajikistan legislation on licensing for specific types of activity shall be based on the Constitution of the Republic of Tajikistan and comprise the present Law and other normative and legal acts of the Republic of Tajikistan, as well as the international legislation recognized by the Republic of Tajikistan.

### Article 3. Major Licensing Principles

The major licensing principles shall be as below:

- ensuring single economic space within the territory of the Republic of Tajikistan;
- determining a single list of types of activity subject to licensing;
- determining a single procedure for licensing within the territory of the Republic of Tajikistan;
- determining licensing requirements and conditions by provisions on licensing peculiarities for specific types of activity;
- publicity and openness of licensing;
- legislation enforcement when issuing license.

### Article 4. Criteria for Determining Licensed Types of Activity

Licensed types of activity shall include the types of activity the implementation of which may result in violation of rights, legal interests, health of citizens, defense and security of the state, cultural heritage of the people of the Republic of Tajikistan the regulating of which may not be implemented by any other method except for licensing.

## Article 5. Authority of the Government of the Republic of Tajikistan When Implementing Licensing

An authority of the Government of the Republic of Tajikistan in the area of licensing shall include:

- approving provisions on licensing peculiarities for specific types of activity;
- determining executive power bodies implementing licensing for specific types of activity.

## Article 6. Powers of Licensing Bodies

1. Licensing bodies shall be authorized to:

- issue license;
- re-legalize documents confirming the license availability;
- suspend license;
- resume license;
- cancel license (in cases stipulated by Article 14 of this Law);
- keep a license register;
- oversee the enforcement by licensees of licensing requirements and conditions.

2. The procedure for implementing an authority by licensing bodies shall be set forth by provisions on licensing peculiarities for specific types of activity.

## Article 7. License Effect

1. License shall be issued for each type of activity specified in Articles 17 and 18 of the present Law.

2. A type of licensed activity may be implemented only by a legal entity or individual entrepreneur having license.

3. An activity licensed by an executive power body shall be implemented within the territory of the Republic of Tajikistan.

## Article 8. License Validity Period

1. License validity may not less than five years. License validity may be extended upon its expiration through a licensee's application.

2. The extension of license validity shall be implemented through re-legalizing of documents confirming the license availability.

## Article 9. Documents Required for License Issuing

1. In order to get license, a license candidate shall submit to the relevant licensing body the following documents:

- an application to issue license specifying a type activity to be licensed with the following data:
  - a) for a legal entity –its title and legal and organizational form, legal address and its location, the number of the bank account and a servicing bank;
  - b) for an individual entrepreneur – the last name, first name, and middle name, address and identification document data;
- license duration requested;
- the date of the application submission, its registration number, and a candidate's signature;
- other data depending on the specificity of activity;
- the copies of constituent documents, a copy of the state registration certificate for a license candidate as a legal entity – for a legal entity;
- a copy of the citizen's state registration certificate as an individual entrepreneur – for an individual entrepreneur;
- a copy of the certificate confirming that a license candidate is registered in a tax body;
- a document confirming the license fee payment in relation to considering a license application by a licensing body;
- the data on qualifications of the staff reporting to a license candidate.

2. In addition to the mentioned document, provisions on licensing peculiarities for specific types of activity may envisage the submission of other documents the availability of which shall be required for the implementation of the specific type of activity.

3. A license candidate shall not be required to submit the documents not specified by the present Law.

#### Article 10. Making Decisions in Conjunction to License Issue or Refusal

1. All the documents submitted to the relevant licensing body requesting to issue license shall be accepted according to the inventory, the copy of which shall be sent (handed) to a license candidate indicating the receiving date of documents by the mentioned body.

2. A licensing body shall make a decision on the license issue or rejection within the period not exceeding thirty days from the submission date of an application and all necessary supporting documents. The relevant decision shall be furnished in the form of an order by a licensing body.

3. A shorter time period for license issue or rejection may be determined by the provision on licensing peculiarities for specific types of activity.

4. A licensing body shall be obliged to notify a license candidate on the decision made in relation to license issue or refusal within the specified time period.

5. The written notification on the license issue indicating the particulars of a bank account and the license fee payment date shall be sent (handed) to a license candidate.

6. The notification in writing on license refusal specifying the reasons for rejection shall be sent (handed) to a license candidate.

7. A free of charge document confirming the license availability shall be issued by a licensing body within a three day period from the date when the document confirming the license fee payment is submitted by a license candidate.

8. A licensee shall have the right to receive the copies of the stated document for a fee charged for re-legalizing the document confirming the license availability.

9. The reasons to refuse a license issue shall be as below:

- unreliable or distorted data in the documents submitted by a license candidate;
- incompliance of the facilities owned or used by a license candidate with licensing requirements and conditions.

10. Refusal to issue license based upon the output volumes (works and services) being manufactured or to be further manufactured by a license candidate shall not be allowed.

11. A license candidate shall have the right to appeal rejection by a licensing body to issue license or negligence of a licensing body in a court of law.

#### Article 11. The Document Confirming the License Availability and Decision to Issue License

The decision to issue license and the document confirming the license availability shall include:

- the title of a licensing body;
- the title of its organizational and legal form, legal address and location – for a legal entity;
- the last name, first name, and middle name, address, identification document data– for an individual entrepreneur;
- a licensed type of activity;
- the registration number, date, and license validity period;
- the taxpayer identification number;
- the license number;
- the date a decision on the license issue has been taken.

#### Article 12. Re-Legalization of the Document Confirming the License Availability

1. In case if a legal entity is reorganized, its title or location are changed, or if an individual entrepreneur's name or place of residence are changed, or if the document confirming the license availability is lost, a licensee -a legal entity (its assignee), or an individual entrepreneur shall be obliged to submit, not later than within fifteen days, an application to re-legalize the document confirming the license availability with the attached documents confirming the mentioned changes, or loss of the document confirming the license availability.

2. When re-legalizing the document confirming the license availability, a licensing body shall make the corresponding changes into the license register. Re-legalization of the document confirming the license availability shall be implemented within ten days from the day when a license body receives the relevant application.

3. The fee equal to two minimal wages for re-drawing the document confirming the license availability shall be collected and entered into the State Budget.

#### Article 13. Exerting Oversight

1. Oversight over the observance by a licensee of licensing requirements and conditions specified by the provision on licensing peculiarities for specific types of activity shall be implemented by a licensing body within its competence.

2. A licensing body shall be entitled to:

- conduct compliance checks of a licensee's activity with the licensing requirements and conditions;
- draw up reports (minutes) indicating specific violations based on the check findings;
- warn and take decisions obliging a licensee to correct violations and determine the deadlines for the violations to be corrected.

3. A licensing body shall not be entitled to conduct audits with regard to the areas of activity other state power bodies are responsible for.

#### Article 14. License Suspension and Cancellation

1. Non-observance of the license requirements and conditions including the transfer of license to another physical person or legal entity, production or marketing of poor quality goods, the violations of trading rules, sanitary and ecological norms shall entail license cancellation or suspension.

2. A licensing body shall have the right to suspend license in case of continuous violations or gross violations of licensing requirements and conditions by a licensee.

3. A licensing body shall determine the deadline for violations, resulted in license cancellation, to be corrected by a licensee. The stated correction period shall not exceed six months. In case if a licensee has not corrected the mentioned violations within the stated period, a licensing body shall have to apply for license cancellation to a court of law.

4. A licensee shall be obliged to notify a licensing body in writing on correction of the violations entailed license cancellation. A licensing body suspended license shall make a decision on the license renewal and inform of it a licensee in writing within three days from the day the relevant notification is received and a check on the correction by a licensee of the violations entailed license cancellation. The license period shall not be extended for the license suspension period and the fee for license renewal shall not be collected.

5. License shall become invalid in case a legal entity has been liquidated or has terminated its activity as a result of reorganization, except for the case of its transformation, or termination of the state registration of a citizen as an individual entrepreneur.

6. Licensing bodies may cancel license in case of non-payment by a licensee of a license fee within three days.

7. A license may be annulled by a decision of a court of law based on a licensing body's application if the violation by a licensee of license requirements and conditions resulted in infringing rights and legal interests, health of citizens, state defense and security, and cultural heritage of the people of the Republic of Tajikistan, or in cases specified by part 3 of the present Article. In synch with the application submission to a court of law, a licensing body shall have the right to cancel license for the period before a court decision enters into effect.

8. Clear-cut justified decision on license suspension or cancellation, or submission of an application to cancel license to a court of law shall be communicated in writing by a licensing body to a licensee not later than within three days after the decision has been made.

9. The decision on license suspension and cancellation may be appealed in a court of law.

#### Article 15. Keeping License Registers

1. Licensing bodies shall maintain license registers on the types of activity licensed by them.

2. In addition to the data specified in Article 9 of the present Law, the license register shall include:

- data on license registered;
- grounds and data on license suspension and renewal;
- grounds and the license cancellation date;
- other data determined by the provision on licensing peculiarities for specific types of activity.

3. Data included into the license register shall be open for physical persons and legal entities.

4. License register data in the form of information extracts on the specific licensees shall be provided to physical persons and legal entities on a fee basis. The access fee with regard to the mentioned data shall amount to one minimal wage.

5. Fees for access to license register information shall be entered into State Budget.

6. License register data shall be provided to state power bodies free of charge.

7. The period in conjunction with the data provision from the license register may not exceed three days from the day when the relevant application has been submitted.

#### Article 16. Financing of Licensing and License Fees

1. Funding of licensing shall be implemented within limited funds allocated from the relevant budgets for maintaining licensing bodies.

2. A license fee equal to four minimal wages not subject to reimbursement shall be charged by a licensing body to consider a license application.

3. A license fee amounting to ten minimal wages shall be collected for issuing license.

4. License fee amounts shall be entered into the State Budget.

#### Article 17. The List of Types of Activity Subject to Licensing

In compliance with this Law, the following types of activity shall be subject to licensing:

- the cryptographic means distribution- related activity;
- the cryptographic means maintenance-related activity;
- the provision of information encoding- related services;
- the development and production of cryptographic means protected by information and telecommunication systems using cryptographic means;
- activity relating to the issue of electronic digital signature keys certificates, registration of electronic digital signatures' owners, the provision of electronic digital signatures use-related services, and confirmation of electronic digital signature authenticity;
- activity with regard to the identification of electronic devices intended for obtaining secret (private) information in buildings and technical means (except for the cases when the indicated activity is implemented to meet the own needs of a legal entity or individual entrepreneur);
- activity relating to the development and production of confidential information protection means;
- activity with respect to technical confidential information protection;
- the development, production, and procurement of special technical means for sale purposes, intended for obtaining secret information for individual entrepreneurs and legal entities implementing entrepreneurial activities;
- activity pertaining to counterfeit-protected polygraphic output, including securities templates, as well as trading with the mentioned products;
- arms and defense output;
- arms and defense technology repairs;
- arms and defense technology disposal;
- trade with arms and defense technology;
- production of arms and major firearms components;
- trade with arms and major firearms components;
- trade with ammunition;
- exhibiting arms, principal fire-arms parts, and ammunition;
- the ammunition development and production;
- the ammunition disposal;
- execution of works and services in relation to chemical weapons storing, delivery, and destruction;

- activity with conjunction to cargo lifting vehicles maintenance and repairs (except the cases when mentioned activity is implemented to meet own needs of a legal entity or individual entrepreneur);
- operations of explosion hazardous production facilities;
- operations fire risk production facilities;
- operations of chemically hazardous production facilities;
- operations of gas and oil extracting facilities;
- refining petroleum, gas, and their processed products on an commercial basis;
- trunk piping of oil, gas, and their processed products to meet the own needs of a legal entity or individual entrepreneur;
- storing of oil, gas, and their processed products (excluding the cases when the stated activity is implemented to meet the own needs of a legal entity or individual entrepreneur);
- marketing of oil, gas, and their processed products;
- industrial safety expertise-related activity;
- explosive materials production for industrial purposes;
- warehousing of explosive materials for industrial purposes;
- the explosive materials use for industrial purposes;
- the explosive materials distribution and transportation for industrial purposes;
- pyrotechnic output;
- pyrotechnic products distribution included in the State Explosive Materials Cadastre;
- assembly, repair, and maintenance related works ensuring fire safety in premises and facilities;
- electric and thermal energy generation, transmission, and distribution (except for the cases when the specified activity is implemented to meet the own needs of a legal entity or individual entrepreneur);
- assembly, installment, and repair of energy facilities, electric energy and heating equipment and energy consumer devices (excluding the cases when the indicated activity is implemented to meet the own needs of a legal entity or individual entrepreneur);
- electricity grid operations-related activity (except the cases when the stated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur);
- gas network and equipment operations-related activity (except for the cases when the indicated activity is implemented to satisfy the own needs of a legal entity or entrepreneur);
- heat network and equipment operations-related activity (except the cases when the stated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur);
- urban construction planning, design works, housing, public and industrial construction (including expanding, reconstruction, repairs, and rehabilitation of existing facilities);
- building and assembly works (except for individual housing construction);
- engineering and geodesic prospecting;
- surveyor works;
- cultural heritage site restoration (historical and cultural monuments);
- geodesic-related activity;
- topographic and cartographic activities;
- hydrometeorology and related activity of facilities, which are not part of the State Hydrometeorology Service of the Republic of Tajikistan (including execution of works with respect to effective impact on hydrometeorology and geophysical processes and phenomena);
- planning, construction, rehabilitation, repair, and maintenance of highways and road facilities;
- pharmaceutical activity (manufacturing of medications and cosmetic products, of medical goods and equipment, trade with medications and medical accessories, and health prophylaxis nutrition);
- private medical activity;
- medical equipment maintenance (except for the cases when the indicated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur);
- prosthetic and orthopedic related assistance;
- cultivation of narcotic-bearing plants for research purposes, as well as the development of new narcotic and psychotropic substances;
- legal narcotic and psychotropic substances turnover (the development, manufacturing, processing, storing, delivery, shipping, supply, selling, distribution, acquisition, importation, exportation, and destruction);
- activity pertaining to the use of causative agents causing infection diseases;
- ionizing (generating) radiation sources- related activity;
- radioactive substance use-related activity;

- production of disinfecting, disinsecting, and deratizing means;
- passenger conveyance by internal water transport;
- cargo transportation by internal water transport;
- passenger conveyance by air;
- cargo transportation by air;
- passenger conveyance by road transport equipped for conveyance of more than eight passengers (except the case when the indicated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur);
- passenger conveyance by passenger vehicles on an commercial basis;
- cargo transportation by road on an commercial basis with more than 1.5 tons lifting capacity (except for the cases if mentioned activity is implemented to meet the own needs of a legal entity or individual entrepreneur);
- passenger conveyance by railway (except the cases if the indicated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur, or if there is no entry to public railway lines);
- cargo transportation by railway (except the cases when the indicated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur, or if there is no entry to public railway lines);
- cargo handling-related activity with conjunction to internal water transport;
- railway cargo handling-related activity;
- air traffic maintenance-related activity;
- aircraft maintenance-related activity;
- aircraft repair-related activity;
- activity relating to the aviation use in the economy sectors;
- railway rolling stock maintenance and repair-related activity;
- motor and railway vehicle maintenance and repair-related activity;
- passenger and freight terminal-related activity;
- hazardous waste use-related activity;
- the organization and maintenance of totalizators and gambling facilities;
- assessment-related activity;
- tourism-related activity;
- storing, processing, and selling of non-ferrous metal scrap;
- storing, processing, and selling of ferrous scrap;
- activity relating to the employment for citizens of the Republic of Tajikistan outside the Republic of Tajikistan and foreign citizens within the territory of the Republic of Tajikistan;
- pedigree breeding, production and use of pedigree breeding (except the case if the indicated activity is implemented to meet the own needs of a legal entity or individual entrepreneur);
- audit-relating activities;
- activity pertaining to elite quality and reproductive seeds production;
- tobacco output;
- space-related activity;
- private veterinary activity;
- the provision of paid legal consultations;
- education-related activity (non-public educational institutions implementing the programs for all the levels of secondary, higher, post-graduate and additional education complementing secondary education, including additional education relating to complete secondary education, as well as preschool establishments);
- activity with regard to the precious metal turnover and stones (precious metal scrap and waste processing into finished products, precious metal refining, precious stone recuperation, buying up from the population of jewelry and other household products made from precious metals, stones and their scrap, wholesale and retail trade, implementation of bank transactions with precious metals and stones);
- ecology expertise-related activity;
- patent agent-related activity;
- pawnshop-related activity;
- TV broadcasting and audio visual products-related activity;
- advertisement-related activity;
- public movie and video screening;
- mail-related services.

## Article 18. The List of Specific Activities Subject to Licensing

1. Pursuant to the present Law, the following types of activity shall be subject to special licensing:
  - activities of lending agencies (including non-banking organizations);
  - activities with regard to state secret protection;
  - activities relating to production and turnover of ethyl alcohol, alcohol and its products;
  - activities with respect to electric communications;
  - stock exchange activities;
  - customs activities (temporary warehouses, customs brokers, and customs carriers except for the cases when a constitutor is a customs body of the Republic of Tajikistan);
  - private insurance activities;
  - professional participants' activities in the securities market;
  - international cargo and passenger transportation by road;
  - the use of orbit and frequency resources and radio frequency for TV and radio broadcasting (including additional information broadcasting);
  - the use of natural resources, including mineral resources, forestry fund, and flora and fauna diversity;
  - atomic energy-related activities, works and services.

2. Part 1 of Article 8 and parts 2 and 3 of Article 16 of this Law shall be not valid for the types of activity specified in part 1 of Article 18.

3. The license validity period for types of activity specified in the present Article may not be less than three years.

4. A license fee amounting to ten minimal wages not subjected to reimbursement shall be collected by a licensing body to review a license application with regard to the above mentioned types of activity.

5. The amount of license fees charged for license issuing in relation with the above mentioned types of activity shall be determined by the Government of the Republic of Tajikistan, separately for each type of activity, in the relevant provision on licensing peculiarities for specific types of activity in the Republic of Tajikistan.

6. Modifications into the list of types of activity subject to licensing shall be allowed only through amending Articles 17 and 18 of the present Law.

## Article 19. Interim Regulations

1. Laws and other normative and legal acts regulating the licensing procedure shall be effective in the part not contradicting the present Law.

2. Licensing the types of activity not envisaged in Articles 17 and 18 shall be terminated from the day the present Law comes into force.

3. License issued before the present Law has become effective shall be valid till the specified date.

## Статья 20. Responsibility for Breach of the Present Law

Physical persons and legal entities violated the provisions of the present Law shall bear responsibility in accordance with the legislation of the Republic of Tajikistan.

## Article 21. Putting the Law into Effect

The present Law shall be put into force after its official publication.

PRESIDENT  
OF THE REPUBLIC OF TAJIKISTAN  
Dushanbe, May 17, 2004  
No. 37

E. RAHMONOV