

Approved by  
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the Republic of Tajikistan  
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Regulation on specifics of licensing of  
certain types of activities

## **GENERAL PART**

### ***SECTION I. GENERAL PROVISIONS***

#### **Chapter 1. General Provisions**

1. This Regulation on Specifics of Licensing Certain Types of Activities (hereinafter "Regulation") was developed in accordance with the Law of the Republic of Tajikistan "On licensing certain types of activities".

2. This Regulation governs relations pertaining to implementing activities (actions) subject to licensing.

3. Licenses can be issued by central or territorial divisions of the licensing authority stipulated in the special part of this Regulation.

A license shall be signed by the head of the licensing authority or by his deputy and shall be authenticated by the stamp of that authority. In cases when a license is issued by structural divisions of the licensing authority or by its territorial branches, it shall be signed by the head of that structural division or territorial branch and authenticated by the stamp of that branch.

4. Natural and legal persons, irrespective of legal organizational form and ownership, who have indicated their willingness to engage in certain types of activities subject to licensing, must obtain a license in a manner prescribed by this Regulation.

Engaging in activities which are subject to licensing without a license is prohibited.

The right of a natural or legal person to carry out licensable activities shall come into effect from the moment of obtaining the license.

A license issued to a legal person shall be the sole document conferring the right to engage in the type of activity indicated therein.

5. The main licensable type of activity indicated in articles 17 and 18 of the Law of the Republic of Tajikistan "On licensing certain types of activities" can cover types of work included into that main type of activity.

The special part of this Regulation can provide for a specific list of such types of work.

For each main type of activity listed in articles 17 and 18 of the Law of the Republic of Tajikistan "On licensing certain types of activities" one license shall be issued. If a licensable type of activities is divided into types of work, the latter shall be indicated in the license. No separate license is required for types of work included into the main type of activity.

6. Foreign natural and legal persons as well as stateless persons shall be issued licenses subject to the same conditions and procedures as natural and legal persons from the Republic of Tajikistan except as otherwise provided for by the legislation of the Republic of Tajikistan or by this Regulation.

7. Licenses issued in other countries shall be recognized on the territory of the Republic of Tajikistan subject to the conditions set out in respective international legal instruments recognized by the Republic of Tajikistan.

## **Chapter 2. Procedures for introducing licensable types of activities**

1. Introduction of a new type of licensable activities or repeal of licensing requirements by types of activities shall be effected only through the Law of the Republic of Tajikistan "On licensing certain types of activities".

Individual provisions governing specific issues related to licensing contained in other regulatory legal acts should not contravene provisions of the Law of the Republic of Tajikistan "On licensing certain types of activities" and can become applicable only after respective changes and addenda have been introduced into the Law of the Republic of Tajikistan "On licensing certain types of activities".

2. Licensing authorities shall be prohibited, when issuing licenses, to designate, at their option, additional licensable types of activities related to the main type of activity, as well as to establish requirements or conditions not prescribed in this Regulation.

## **Chapter 3. Document certifying existence of license and decision on issuance thereof**

1. Decision on issuance of license and document certifying such a decision should indicate:

name of the licensing authority;

for a legal person - name and legal organizational form, legal address and its location;

for an individual entrepreneur - surname, name, patronymic, place of residence, details of identification document;

licensable type of activity with types of work (in case the licensable type of activity is divided into types of work);

registration number, date and validity period of the license;

taxpayer's ID number;

license number;

date of the decision to grant the license;

2. License blank forms must be produced typographically, must have a protection level, record series and number. License blank forms are subject to strict accountability. Record keeping and storage of license blank forms shall be done by the licensing authority.

No corrections shall be permitted in license blank forms. A spoiled license blank form shall be destroyed upon taking a formal notice.

3. A licensee must present his license upon demand of licensing or taxation authorities. If the licensee had applied for issuance of a duplicate, reissuance or renewal of a license, he shall be allowed to present a copy of the license.

#### **Chapter 4. License validity**

1. The type of activity for which the license was issued can only be implemented by the legal person or individual entrepreneur to whose name the license was issued.

2. The type of activity for which the license was issued by the licensing authority shall be carried out on the territory of the Republic of Tajikistan except as provided otherwise by international legal instruments recognized by the Republic of Tajikistan.

#### **Chapter 5. Licensing requirements and conditions**

1. One of the essential licensing requirements and conditions for carrying out licensable types of activities by licensees shall be compliance with the legislation of the Republic of Tajikistan as well as requirements set out in this Regulation.

2. With regard to licensable types of activities requiring special knowledge for their implementation, the special part of this Regulation can contain qualification requirements for a license applicant and licensee, specifically qualification requirements for staff of a legal person or for a citizen who is an individual entrepreneur.

3. With regard to licensable types of activities requiring special conditions for their implementation, licensing requirements and conditions set out in the general part of this Regulation can contain requirements about compliance of the facility, wherein or by instrumentality of which such type of activity should be implemented, with the specified special conditions.

*Note:* In this Regulation, the term facility refers to buildings, structures, as well as equipment and other technical hardware instrumental to implementation of the licensable type of activity.

4. A list of licensing requirements and conditions with regard to a specific licensable type of activity is provided in the special part of this Regulation and is an integral part of the issued license (issued in the form of an annex).

5. Licensing authorities, if appropriate, shall inspect on-site compliance of activity conditions with the established requirements.

6. The cost of such inspections shall be covered by the funds allocated from respective budgets for operation of the licensing authority.

## **Chapter 6. Payment for review, issuance, reissuance and renewal of a license**

1. A fee in the amount of four minimal wages is charged for reviewing by a licensing authority of a license application for types of activities listed in article 17 of the Law of the Republic of Tajikistan "On licensing of certain types of activities". A fee in the amount of ten minimal wages is charged for reviewing a license application for types of activities listed in article 18 of that Law. The above fees are not refundable.

2. A license fee in the amount of ten minimal wages is charged for issuance of a license for the types of activities listed in article 17 of the Law of the Republic of Tajikistan "On licensing of certain types of activities". The amount of license fees for issuance of a license for the types of activities listed in article 18 of the Law of the Republic of Tajikistan "On licensing of certain types of activities" is indicated in section III of the special part of this Regulation.

3. If the document confirming existence of the license is reissued a fee shall be charged in the amount of two minimal wages.

4. If the license is renewed for the same period as the initial license, the charged fee shall be the same as for issuance of license.

5. Payment of fees for review of license application and issuance of a license as well as for reissuance of the document confirming existence of the license or for renewal of the license shall be made by the licensee through cash or cashless payments to republican or local budget.

The payment shall be carried out in a manner provided for by the legislation of the Republic of Tajikistan.

6. Licensing authorities shall have no right to impose any other fees on the license applicant.

7. Licensing shall be financed within the limits of funds allocated in respective budgets for operations of licensing authorities.

## **Chapter 7. Documents required for obtaining a license**

1. To obtain a license a license applicant shall submit to the respective licensing authority the following documents:

- an application for issuance of a license indicating the licensable type of activity and the following details:

for a legal person - name and legal organizational form of the entity, its legal address and location, settlement account number and banking facility;

for an individual entrepreneur - surname, name and patronymic, place of residence and identification document;

- required duration of the license;

- other data depending on specifics of the activity;

for a legal person - copies of constituent documents and a copy of certificate confirming state registration of the license applicant as a legal person;

for an individual entrepreneur - a copy of certificate confirming state registration of the citizen as an individual entrepreneur;

- a copy of certificate confirming registration of the license applicant with a taxation authority;

- a document confirming payment of license fee for review by the licensing authority of the license application;

- information about qualifications of the license applicant's staff;

- submission date of the license application and signature of the applicant.

2. Apart from the above documents the special part of this Regulation can stipulate submission of other documents that are prerequisite for a specific type of activity.

3. It shall be prohibited to demand from a license applicant submission of documents not envisaged by the Law of the Republic of Tajikistan "On licensing certain types of activities" and by this Regulation.

4. Documents shall be submitted by the license applicant in the Tajik or Russian language. Documents submitted by foreign citizens or documents submitted abroad should be certified in a manner provided for by regulatory legal acts of the Republic of Tajikistan.

5. The application form shall be approved by the licensing authority to comply with requirements of this Regulation.

6. A licensing authority must set up an information stand and put up a list of documents required for issuance of a license together with specimens of such documents.

7. A license applicant is responsible for accuracy of submitted data and documents. The licensing authority, as appropriate, has the right to check accuracy of data and documents submitted by the license applicant.

8. All documents submitted to a respective licensing authority for issuance of a license shall be received according to a list. The licensing authority issues the license applicant a statement in a set form indicating the date of documents receipt and stating the registration number for all of the received documents.

## **Chapter 8. Taking decision on granting or refusing a license**

1. A licensing authority takes decision on granting or refusing a license within a period not exceeding thirty days from the date of submission of the license application with all required documents, including review of documents, carrying out expert examinations, inspections and other necessary activities.

Application review and issuance of a license is carried out by a commission unless otherwise provided for by the special part of this Regulation.

Members of the commission are designated through an order of the head of the licensing authority. The commission membership can include representatives of other concerned ministries, agencies and organizations. The commission statutes shall be approved by the licensing authority.

2. Date and venue of the licensing authority meeting should be announced in advance. A license applicant or his authorized representative has the right to attend the meeting of commission of the licensing authority. Failure of the said persons to attend the commission meeting cannot be the ground for license refusal.

3. The licensing authority must, within the period stipulated for taking a decision on granting or refusing a license, notify the license applicant, in writing, of the decision taken.

4. The notice about granting a license is forwarded (delivered) to the license applicant in writing stating banking account details and timeframe for paying the license fee for issuance of a license.

5. The notice about license refusal is forwarded (delivered) to the license applicant in writing stating grounds for the refusal.

6. Within three days from submission of a document confirming payment of the license fee for issuance of a license, the licensing authority issues to the licensee, free of charge, a document certifying existence of the license.

7. Decision of the licensing authority is recorded in a respective formal note and is stored in its files. Upon demand from the applicant or his authorized representative, respective excerpts from this formal note or its copy shall be provided free of charge.

## **Chapter 9. License refusal**

1. Listed below are the grounds for license refusal:

- inaccurate or misrepresented information in the documents submitted by the license applicant;

- non-compliance of the license applicant, facilities owned or used by the applicant, with the licensing requirements and conditions;

In case the license applicant succeeds in rectifying hindrances listed in paragraphs one and two of this clause within a month from receiving the notice of license refusal, the license application is reviewed in accordance with the common arrangements without any repetitive payment.

In case of license refusal the fee for reviewing the application is not refunded to the license applicant.

2. The scope of output (work, services) produced (implemented) or planned for production (implementation) by the license applicant cannot be the ground for license refusal.

3. It shall be prohibited to refuse a license for any reasons and on any grounds except as provided for by the Law of the Republic of Tajikistan "On licensing certain types of activities" and by this Regulation.

4. A license applicant shall have the right to appeal against license refusal by the licensing authority or against its inaction in court.

## **Chapter 10. Reissuance of the document confirming existence of a license**

1. In case of reorganization of a legal person, change of its name or location, or change of the name or place of residence of an individual entrepreneur, or loss of a license, the licensee - a legal person (its assignee) or individual entrepreneur must, no later than within fifteen days, submit an application for reissuance of the document, confirming existence of a license attaching documents corroborating the said changes or loss of the document, confirming existence of a license.

2. Upon reissuance of the document, confirming existence of the license, the licensing authority introduces respective changes into the license registry.

3. Reissuance of a license is carried out by the licensing authority within ten days from the date of receiving the respective application.

4. Up until reissuance and handing the license to the licensee the latter shall carry out his activities based on a copy of the previously issued license.

5. For reissuing a license no unscheduled check-ups, inspections or expert examinations are carried out.

6. It is forbidden to demand that a licensee should apply for license reissuance on any other grounds except as envisaged in this chapter.

7. A licensee has the right to appeal against refusal to reissue a license in court.

## **Chapter 11. Renewal of a license**

1. A license can be renewed after its expiration upon application from the licensee.

2. A license is renewed in accordance with the procedure for reissuance of the document confirming existence of a license for the time period provided for in the Law of the Republic of Tajikistan "On licensing certain types of activities" for that type of activity.

3. A licensee can appeal in court against refusal to renew the license.

## **Chapter 12. Suspension, revocation and termination of a license**

1. Revocation or suspension of a license is allowed in the following cases:

- failure to comply with the licensing requirements and conditions;
- assignation of the license to another natural or legal person;
- production or sales of poor quality goods, provision of poor quality services;
- failure to comply with other requirements of legal regulatory acts.

A licensing authority can revoke a license in case the licensee fails to pay within three days the license fee for issuance of a license.

2. A licensing authority has the right to suspend a license if repeated (two or more times) or gross violations of licensing requirements and conditions by the licensee should be revealed.

3. A licensing authority should set a time period for rectification by the licensee of the violations that resulted in suspension of the license.

The above time period cannot exceed six months. In case the licensee fails to rectify the indicated violations, the licensing authority must apply to the court for revocation of the license.

4. All decisions pertaining to suspension or revocation of a license are reviewed in a meeting of the licensing authority for which the presence of the licensee (his representative) must be requested. A licensee must be notified in advance in writing no later than 10 days before the beginning of the meeting by the licensing authority. In case a duly notified licensee (his representative) fails to present himself at the meeting without due cause, decisions can be taken in his absence.

5. A licensee is forwarded a written notice about the decision on suspension or revocation of the license with a reasoned justification thereof no later than three days after such a decision is taken.

6. A licensee must notify in writing the licensing authority about rectification of violations that resulted in suspension of the license.

7. The licensing authority that had suspended the license takes the decision about its renewal and informs the licensee thereof in writing within three days after reception of respective notification and verification of the fact that the violations that had resulted in license suspension were rectified by the licensee.

8. The license validity is not extended for the period of suspension and no payment is charged for renewal of the license.

9. A license can be revoked by a court decision on the basis of an application from the licensing authority in case violations on the licensee's part of licensing requirements and conditions have caused impairment to the rights and legal interests, and health of citizens, defense and security of the country, cultural heritage of people of the Republic of Tajikistan or otherwise if the licensee has failed to rectify violations of licensing conditions and requirements within the time period established by the licensing authority. Contemporaneously with submission of the application to the court the licensing authority has the right to suspend the license in question pending effectiveness of the court decision.

10. Information concerning suspension, renewal and revocation of the license is forwarded by the licensing authority to the taxation authority wherever the licensee is registered and, if appropriate, communicated to respective control and supervisory authorities.

11. The decision on suspension of a license or on its revocation can be appealed against in court.

12. A license ceases to be in force in the following cases:

- liquidation of the legal person;

- termination of its activities resulting from its reorganization, excluding corporatization;



- termination of certificate of state registration of a citizen as an individual entrepreneur or termination of a patent.

### **Chapter 13. License registry**

1. License registry is a collection of data on issuance of licenses, reissuance of documents confirming existence of the license, suspension, renewal and revocation of licenses indicated in this Regulation.

2. Licensing authorities maintain license registries for the types of activities they are charged with licensing.

3. The following data should be indicated in the license registry besides those stipulated in article 9 of the Law of the Republic of Tajikistan "On licensing certain types of activities":

- justifications and dates for suspension and renewal of a license;

- justification and date of license revocation;

- other information stipulated in the special part of the Regulation on specifics of licensing certain types of activities.

4. Information contained in the license registry is open for review by natural and legal persons. It is allowed to publish information contained in the license registry in mass media.

5. Information contained in the license registry in the form of excerpts about specific licensees can be provided to natural and legal persons for a fee. The fee for provision of the above information constitutes the amount of one minimal wage.

6. Fees for provision of information contained in the license registry are transferred to the state budget.

7. Information from the license registry is provided to public authorities free of charge.

8. The timeframe for providing information from the license registry cannot exceed three days from the date of reception of the respective application.

9. The procedure for introducing changes in the registry should not exceed three days from the date of respective decision by the licensing authority.

10. The license registry is compiled in a chronological order by the date of license registration and designation of its registration number.

11. The head of a licensing authority shall be responsible for:

- ensuring timely and accurate maintenance of the license registry;

- ensuring timely provision of data from that registry to interested persons upon their request.

12. Information in the license registry as well as documents that had served as a basis for issuance of licenses shall be stored in the licensing authority files for five years and then relegated to archive in accordance with the established procedure.

## **Chapter 14. Powers of licensing authorities and control functions**

1. Licensing authorities shall be vested with the following powers:

- issuance of licenses;
- reissuance of documents certifying existence of a license;
- suspension of a license;
- renewal of a license;
- revocation of a license (in cases provided for in article 14 of the Law of the Republic of Tajikistan "On licensing certain types of activities");
- maintenance of license registry;
- control of compliance by licensees with licensing requirements and conditions.

2. Control over compliance by the licensee with licensing requirements and conditions is carried out by licensing authorities within the limits of their jurisdiction.

3. A licensing authority, within the limits of its jurisdiction, has the right to carry out inspections of licensee's activities with respect to compliance with licensing requirements and conditions. Inspections should be carried out in accordance with statutory requirements of the Republic of Tajikistan and should take place, at the most, once in two years for one and the same type of licensable activity.

These restrictions do not apply to the following cases:

- when counter inspections are carried out;
- when extraordinary inspections are carried out upon request of law enforcement and other authorities;
- in cases of inspections to verify rectification of previously identified deficiencies for license renewal.

4. Counter inspections can be carried out only on the basis of specific decision of the chief executive officer of the licensing authority (or his substitute) who has given permission for the main inspection.

5. Extraordinary inspections are carried out based on requests of law enforcement and other authorities exclusively for those licensees about whom an application was received referring to compliance with licensing requirements and conditions.

6. A decision containing the following details can serve as a basis for conducting an inspection:

- date and registration number of the decision at the licensing authority;
- name of the licensing authority that has passed that decision;

- licensee's full name;
- license number;
- type of activity subject to licensing;
- positions, surnames, names and patronymics of inspecting persons;
- timeframe for the inspection.

The decision must be signed by the chief executive officer of the licensing authority or his authorized substitute, authenticated by the seal of the licensing authority and registered in a special journal in accordance with procedures established by the licensing authority.

7. Only one inspection can be carried out on the basis of one decision.

8. The deadline for conducting inspections indicated in the issued decisions must not exceed 5 calendar days from the moment of delivery of the decision.

When carrying out an inspection of a legal person with a standalone branch, or when inspecting an activity implementation whereof is stipulated by additional requirements and conditions, the deadline for conducting the inspection can be set by the licensing authority up to 10 calendar days.

9. The licensee is presented for his review the original decision on carrying out inspection and handed over a copy of that decision. The moment when a copy of the decision on carrying out inspection is handed over to the licensee is considered the start of the inspection. A notation and the licensee's signature are made on the original signifying review of the decision and reception of the copy.

Licensee's refusal to receive the copy of the decision shall not be the ground for canceling the inspection.

10. Officials of the licensing authority carrying out the inspection must show the licensee their service IDs, decision on carrying out the inspection and make an appropriate entry in the Register of Inspections of economic agents of the Republic of Tajikistan.

11. When carrying out inspections, officials of licensing authorities must also:

- explain to the licensee their rights and obligations as well as his rights and obligations;
- abide by laws and other legal regulatory acts of the Republic of Tajikistan, respect licensee's and other persons' rights and interests safeguarded by the law;
- carry out the inspection in accordance with the list of licensing requirements and conditions for the inspected type of activity;
- maintain confidentiality of the inspection results, as well as of the state, commercial and other secrets protected by law that became known to them in the course of their activities;
- if in the course of inspection they should reveal facts constituting essential elements of offences, *inter alia*, related to compliance with licensing requirements and conditions, they must forward the materials to appropriate law enforcement authorities.

12. Officials of a licensing authority carrying out an inspection have the right to receive from the licensee documents, verbal and written explanations as well as any other information pertaining to compliance with licensing requirements and conditions, involve (invite) specialists and experts to carry out the inspection.

13. Licensing authority officials carrying out an inspection also have the right to:

- give mandatory instructions to the licensee referring to rectification of identified violations of the licensing requirements and conditions, and set deadlines for rectifying the violations, control compliance with the instructions;

- apply to the licensee sanctions envisaged by the law for violations of licensing legislation;

- suspend licenses subject to the provisions and procedures established by the Law of the Republic of Tajikistan "On licensing certain types of activities".

14. Upon presenting by the licensing authority officials of their service IDs and decision on carrying out the inspection, and after they have made an appropriate entry in the Register of Inspections of economic agents in the Republic of Tajikistan, the licensee must grant them access for the purposes of inspection to the territory, premises and other facilities (except living quarters) used for carrying out the licensable activity.

15. During inspections a licensee must also:

- provide to the inspecting person documents, verbal and written explanations, as well as any other information related to compliance with licensing requirements and conditions;

- not interfere with legitimate activities of the inspecting persons in discharge of their official functions;

- comply with legitimate requests of the licensing authority officials about rectification of identified violations;

- upon receipt of the formal note of inspection, sign off and make a notation about its receipt on the other copy of the note of inspection;

- fill out appropriate columns in the Register of Inspections of economic agents in the Republic of Tajikistan.

16. In case access to the facility for the licensing authority officials carrying out the inspection is impeded, a report is compiled that should be signed by the licensing authority officials carrying out the inspection and by the licensee.

In case of refusal to sign the said report the licensee must supply written explanations of the reasons for such refusal. If the licensee refuses to provide written explanations of the reasons for not signing the report, the inspecting person(s) draw up a formal note to that effect.

17. The licensee has the right to debar licensing authority officials from the territory or premises for carrying out an inspection in cases when:

- there is no decision or the decision has not been delivered or it was not executed according to the established procedure;

- the timeframe for the inspection is not yet due or has already elapsed;

- the decision states surname, name and patronymic of another person;
- the licensing authority officials refused to make an appropriate entry in the Register of Inspections of economic agents in the Republic of Tajikistan.

18. A licensee also has the right to:

- be present when inspections are carried out;
- withhold information and documents that are of no relevance to the inspection in question;
- during inspection demand that the inspecting authority officials comply with the legislation of the Republic of Tajikistan;
- disregard formal notes (decisions) and requirements of the inspecting authority and its officials that do not conform to the legislation of the Republic of Tajikistan;
- review inspection formal notes and receive copies of documents about the inspection results;
- provide to the inspecting authority explanations about results of the inspection;
- appeal against formal notes and decisions based on the inspection results, actions (inaction) as well as other decisions of inspecting authority officials.

19. Upon completion of the inspection the licensing authority official draws up a formal note of the inspection indicating:

- location of the inspection and date of the formal note;
- type of inspected activity;
- position, surname, name and patronymic of the inspector;
- surname, name and patronymic or full name of the licensee;
- licensee's location and his license number;
- data about previous inspection and remedial actions taken to rectify drawbacks identified earlier;
- general information about the documents provided by the licensee for inspection;
- detailed description of deficiencies with a reference to the appropriate provision of the legislation. In case no deficiencies were identified upon completion of the inspection, it should be duly indicated in the formal note of the inspection;
- inspection results.

20. The necessary copies of documents and other materials received in the course of the inspection are attached to the formal note of the inspection.

21. The formal note of inspection is drawn up in two copies and is signed by the licensing authority officials who conducted the inspection and by the licensee.

22. One copy of the formal note of inspection is handed over to the licensee. Upon receiving the formal note of inspection the licensee must sign off and make a notation about its receipt on the other copy of the formal note.

23. If the licensee has refused to receive the formal note of inspection, this fact is recorded by the inspector(s) in the copy of the formal note of inspection retained by the licensing authority. This record is confirmed by signatures of the licensing authority officials who conducted the inspection. In this case the formal note of inspection is sent to the licensee by registered mail.

24. The formal note of inspection is registered in a special registration journal of decisions and inspection formal notes maintained by every licensing authority. The registration journal must have numbered pages, bound and sealed with a stamp of the licensing authority. The format and procedures for maintaining that journal, as well as procedures for filing formal notes of inspections shall be determined by the licensing authority.

25. Upon completion of the inspection, based on the results reflected in the formal note of inspection, the licensing authority passes a decision on the inspection results, *inter alia*, concerning remedial actions with regard to identified violations.

This decision is signed by the chief executive officer or by his substitute, and is forwarded to the licensee within 10 days from the inspection completion date.

26. The decision on results of the inspection should contain the following information:

- date and registration number of the inspection formal note;
- surname, name, patronymic or full name of the licensee;
- license number;
- measures to be taken to rectify the identified violations;
- deadline for rectifying the violations;
- banking details of respective authorities (account numbers where fines, if any, should be transferred);
- deadlines for appealing against the decision.

27. In case no violations are identified upon completion of the inspection, the licensee is also notified to that effect.

28. A licensee who has received the decision must comply with the appropriate requirements within the time period determined in the decision, unless the licensee has appealed against the inspection results.

29. The licensee is responsible for:

- illegally impeding the course of inspection;
- debarring access of the licensing authority official to the territory, premises or facilities;
- refusal to provide to the licensing authority official the required information.

30. Licensing authority officials must implement control over territorial and regional branches within their jurisdiction with regard to relevancy and legitimacy of inspections, and application of measures based on the inspection results.

31. Officials of licensing authorities shall be made accountable in accordance with the legislation for failure to execute or improper execution of their responsibilities, failure to comply with confidentiality requirements determined by the law, abuse of their official position and other illegal actions during inspections.

32. Losses incurred by the licensee as a result of illegal actions of licensing authority officials shall be subject to compensation in accordance with procedures established by the Civil Code of the Republic of Tajikistan.

33. Inspections should not become the cause of suspending licensee's activities with the exception of cases provided for by the law of the Republic of Tajikistan "On licensing certain types of activities".

34. Specifics of conducting inspection of transport vehicles are determined in the special part of this Regulation.

35. A licensing authority shall not have the right to conduct inspections related to issues falling within the sphere of competence of other public authorities.

36. Public supervisory and control authorities as well as other public authorities, within the sphere of their competence, upon revealing violations of licensing requirements and conditions, must notify the licensing authority about the identified violations and measures taken.

## **Chapter 15. Responsibility for violation of licensing legislation**

1. Compensation of licensee's losses incurred as a result of ungrounded license refusal or violation of licensee's rights and interests shall be carried out in accordance with the procedures determined by the legislation of the Republic of Tajikistan.

2. Engagement in activities without an appropriate license or with violation of licensing requirements and conditions entails administrative and criminal responsibility determined by the legislation of the Republic of Tajikistan.

## **SPECIAL PART**

### ***SECTION II. GENERAL TYPES OF LICENSABLE ACTIVITIES REQUIRING A LICENSE FOR THEIR IMPLEMENTATION***

#### **Chapter 16. Specifics of licensing activities in the sphere of electronic digital signatures and activities in the sphere of information protection**

1. Licensable type of activity:

- activity for issuance of key certificates of electronic digital signatures, registration of owners of electronic signatures, provision of services related to use of electronic digital signatures and authentication of electronic digital signatures.

- activity for revealing electronic devices designed for clandestine retrieval of information in premises and technical facilities (with the exception of cases when the said activity is carried out to meet the legal person's or individual entrepreneur's own needs);

- activity for development and/or production of means for protecting confidential information;

- activity constituting technical protection of confidential information;

- development, manufacturing, procurement for subsequent sale of technical equipment designed for clandestine retrieval of information, by individual entrepreneurs and legal persons engaged in entrepreneurial activities.

2. Licensing authority: Main department for protection of state secrets under the Government of the Republic of Tajikistan and its territorial branches in Gorno-Badakhshan Autonomous Region, Sughd and Khatlon regions.

3. The licensing authority issues a license after conducting technical expertise in accordance with the rules approved by the Main department for protection of state secrets under the Government of the Republic of Tajikistan.

4. Additional licensing requirements and conditions:

- the activity can only be conducted in certified facilities conforming with the standards and rules of technical protection of informational security;

- instrumentation, technical and electronic equipment must be certified for compliance whereas instrumentation should be checked by standardization and metrology authorities;

- staff should be certified and must have clearance for information constituting state secret;

- the licensee must have a certificate of expert's examination issued by the State communications inspection under the Ministry of Communications of the Republic of Tajikistan for stray radiation;

- the licensee must have a plan of utility network (power supply, communications, water consumption, water disposal, heat supply, fire and security alarm systems, local radio network).



5. Should any violations of standards and rules of technical protection of information be identified in the facilities used by the licensee for his activities, the licensee must immediately notify the Main department for protection of state secrets under the Government of the Republic of Tajikistan.

### **Chapter 17. Specifics of licensing activities for manufacturing counterfeit-proof printing products, including blanks of security papers, as well as trade of the above products**

1. Licensable type of activity: manufacturing of counterfeit-proof printing products, including blanks of security papers, as well as trade of the above products.

2. Licensing authority: Ministry of Finance of the Republic of Tajikistan.

3. Additional documents:

- opinion of fire inspection authorities;
- opinion of bodies of the interior about safe-keeping conditions of valuables;
- specimen of printing product to be manufactured.

4. Additional licensing conditions and requirements:

- availability of special technological equipment for manufacturing blanks of security papers, including manufacturing of specimens, printing plates, their numeration and processing;

- availability of special equipment and technology making it possible to ensure high degree of protection of blanks of security papers from counterfeit and other misuses;

- availability of specialists with appropriate qualification;

- ensuring secure storage of all manufactured printed products;

- existence of an inventory system and conditions for ensuring safekeeping of printed products in the process of manufacturing.

### **Chapter 18. Specifics of licensing pawnshops operations**

1. Licensable type of activity: pawnshops operations.

2. Licensing authority: Ministry of Finance of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- copies of documents confirming ownership or any other legal use rights of licensee with regard to premises where pawnshops operations will take place;

- opinion of fire safety authorities and bodies of the interior about conformity of the building and equipment with all established requirements.

4. Additional licensing requirements and conditions:

- compliance with requirements of regulatory legal acts governing activities of pawnshops with regard to reception, recordkeeping and storage of property accepted as a collateral or for safekeeping, sales of unredeemed or unclaimed property;

- mandatory insurance of pawnshops at their own expense in favor of the pawner of the pledged property for the entire valuation amount;

- availability at the licensee's disposal of required premises, equipment, tools and premises protection system meeting the established requirements.

## **Chapter 19. Specifics of licensing auditing activities**

1. Licensable type of activity: auditing activity.

2. Licensing authorities:

Ministry of Finance of the Republic of Tajikistan for audit of stock exchanges, extra-budgetary funds, investment organizations, audit of insurance companies and general audit;

National Bank of Tajikistan for audit of banking organizations.

3. To obtain a license for auditing activity a certificate of auditor's competence is a prerequisite.

4. Additional documents for obtaining a license for audit of stock exchanges, extra-budgetary funds, investment organizations, audit of insurance companies and general audit:

- copies of notarized documents certifying higher education;

- a copy of employment history certifying working experience in the capacity of an accountant, economist, auditor, financier or lawyer for no less than 5 years for persons with a higher education, or experience in financial, accounting and analytical, control and auditing sphere for no less than 10 years for persons with specialized secondary education;

5. Additional licensing requirements and conditions for carrying out audits of banking organizations:

- individual auditor or auditors of an auditing organization must be the holders of auditor's qualification certificates;

- no less than 3 auditors on the staff of the auditing organization who have auditors licenses;

- auditing activity should be the main type of activity for the license applicant.

6. Auditors' certification is carried out in accordance with the procedure established by the Government of the Republic of Tajikistan.

7. Licenses and certificates issued in other countries are recognized on the territory of the Republic of Tajikistan subject to respective international agreements.

## **Chapter 20. Specifics of licensing valuation activity**

1. Licensable type of activity: valuation activity.

2. Name of the licensing authority: State committee for management of public property of the Republic of Tajikistan.

3. The following items are referred to valuation objects: property, ownership right and other corporeal rights for property, other objects of civil rights that are not withdrawn from the civil circulation and are not limited in civil circulation.

4. Additional documents for issuance of a license:

- copies of employees documents certifying professional knowledge in the sphere of valuation.

5. Additional licensing requirements and conditions:

- at least one employee on the staff of a legal person having appropriate qualifications in the sphere of valuation;

- an agreement signed between the customer and the valuator on valuation of the valuation object indicating the specific valuation object, a number of objects to be valued or stipulating provision of services to the customer over a long term period upon his requests.

## **Chapter 21. Specifics of licensing activities for execution of works related to installation, repairs and maintenance of fire safety appliances in buildings and facilities**

1. Licensable type of activity: execution of works related to installation, repairs and maintenance of fire safety appliances in buildings and facilities.

2. Activities for execution of works related to installation, repairs and maintenance of fire safety appliances in buildings and facilities include:

- treatment of structures of buildings and facilities with fire protection substances;

- assembly, repairs and maintenance of automatic and manual fire safety appliances and equipment;

- provision of fire fighting equipment and appliances;

- expert examination of fire fighting equipment and appliances.

3. Licensing authority: Ministry of Interior of the Republic of Tajikistan

## **Chapter 22. Specifics of licensing activities in the sphere of weapons and military hardware**

1. Licensable type of activity:

- trade in weapons and key parts of firearms;

- trade in firearms ammunition.

2. Licensing authority:

Ministry of Interior of the Republic of Tajikistan for sale of duty and civil weapons, their main parts or ammunition.

3. Additional mandatory documents for all staff for issuance of a license for trade in weapons, their main parts, and ammunition:

- document certifying the person's status with regard to general military duty;
- statement from medical authorities certifying absence of neurological, drug and alcohol abuse history;
- document certifying skills in handling firearms;
- statement certifying a clean criminal record.

4. Additional conditions and requirements for a licensee:

- compliance of the building with standards and rules for storage of weapons and ammunition;
- availability of safes for storage of weapons, their main parts and ammunition;
- access to the commercial premises only for persons of 18 years and upwards;
- appropriate utility networks (power supply, communications, fire and security alarm systems).

## **Chapter 23. Specifics of licensing activities for maintenance and repairs of lifting mechanisms, operation of explosion, fire and chemically hazardous industrial facilities**

1. Licensable types of activity:

activities for maintenance and repairs of lifting mechanisms (with the exception of cases when this activity is carried out to meet own needs of a legal person or individual entrepreneur);

- operation of explosion hazardous industrial facilities;
- operation of fire hazardous industrial facilities;
- operation of chemically hazardous industrial facilities.

2. Activity for maintenance and repairs of lifting mechanisms includes:

- installation, tuning and operation of lifting mechanisms;
- technical inspection of lifting mechanisms with expired service life.

3. Operation of explosion hazardous industrial facilities includes:

- reception, use, processing, production, storage, transportation, disposal of substances capable of forming explosive mixtures with oxygen and with one another (combustible gases, highly inflammable and combustible fluids, dust producing substances), solid-phase and liquid-phase substances capable of spontaneous disintegration with an explosion;

- preparation of liquid melts of ferrous and non-ferrous metals or alloys from those liquid melts (in processing units with batch loading of no less than 100 kg.);

- operation, installation, tuning and repairs of equipment working under excess pressure of more than 0.07 MPa or under water heating temperatures of more than 1150C;

- nondestructive control method of technical equipment and installations at hazardous industrial facilities;

- examination of vessels for use, storage and transportation of inflammable substances - gases that under normal pressure and in mixture with air or with one another become inflammable, and substances with boiling temperature under normal pressure of 200 C or less;

- mining works in shafts and underground mines when deposits are excavated having hazardous gas and dust conditions, prone to sudden outbursts of rock, coal and gas, and hazardous shock bumps.

#### 4. Operation of fire hazardous industrial facilities includes:

- maintenance, repairs and rehabilitation of gas pipelines, structures and other facilities for operation of gas-distributing networks;

- underground and open mining works for extraction and processing of mineral resources prone to spontaneous combustion;

- works in other mining facilities where technology provides for conducting fire hazardous works, including those not related to extraction of mineral resources;

- testing of linear portions of main pipelines upon completion of construction or repairs;

- diagnosing of linear portions of industrial pipelines, stationary equipment of main pipeline facilities;

- operation of underground gas storage facilities.

#### 5. Operation of chemically hazardous industrial facilities includes:

- reception, use, processing, production, storage, transportation, disposal of toxic, highly toxic and environmentally hazardous substances.

6. Licensing authority: State Supervisory Committee for safe conduct of works in industry and for mining supervision under the Government of the Republic of Tajikistan.

7. Additional documents required for issuance of a license for maintenance and repairs of lifting mechanisms:

- report of the industrial safety expertise;

- list of available lifting mechanisms stating their registration numbers, production serial number and year of production and copies of their passports;

- copy of an order appointing persons responsible for maintenance and safe operations of the lifting mechanisms;

- a copy of test record for the engineers and maintenance staff on design and safe operations of lifting mechanisms;

- information about arrangements for internal technical controls;

- declaration of industrial safety practices for the hazardous production facility.

8. Additional documents required for issuance of a license for operation of explosion hazardous production facilities, fire hazardous production facilities and chemically hazardous production facilities:

- information about the staff and their qualifications;

- opinion of bodies of the interior with regard to the authorization system;

- report of the industrial safety expertise;

- opinions of state environmental expertise authorities, fire inspection and sanitary and epidemiological service;

- a copy of explosion prevention data sheet for the hazardous production facility;

- a copy of plan for localization and liquidation of emergency situations;

- a copy of an order appointing persons responsible for maintenance and safe operations of explosion hazardous works, facilities and safe handling of works;

- information about availability of duly approved process procedures for the output goods or operating instructions;

- a copy of test record for the engineers and maintenance staff on design and safe operations of explosion hazardous production facilities;

- information about arrangements for internal technical controls.

- declaration of industrial safety practices for the hazardous production facility.

## **Chapter 24. Specifics of licensing activity for conducting industrial safety expertise**

1. Licensable type of activity: activity for conducting industrial safety expertise.

2. Activity for conducting industrial safety expertise includes:

- expert examination of design documents for construction, expansion, reconstruction, technical modernization, conservation and liquidation of a hazardous production site;

- expert examination of technical devices used at a hazardous production site;

- expert examination of buildings and structures at a dangerous production site;

- experts examination of declaration of industrial safety practices;

3. Name of the licensing authority: State Supervisory Committee for safe conduct of works in industry and for mining supervision under the Government of the Republic of Tajikistan.

4. Additional documents for issuance of a license:

- adequate number of employees on the staff of the legal person to enable it to carry out industrial safety expertise that would meet qualification requirements in accordance with the sphere of conducted expertise;

- an individual entrepreneur should be the holder of a university degree in the area of the conducted expertise;

- data about standard technical documentation of the enterprise;

- a copy of test record for the engineers and technical staff of the enterprise;

- declaration of industrial safety practices for conducting industrial safety expertise.

## **Chapter 25. Specifics of licensing activities for production, storage, utilization, distribution and transportation of industrial explosive materials; production and distribution of fireworks**

1. Names of licensed types of activity:

- production of industrial explosive materials;

- storage of industrial explosive materials;

- utilization of industrial explosive materials;

- activity for distribution and transportation of industrial explosive materials;

- production of fireworks;

- distribution of fireworks included into the state registry of explosive substances.

2. Licensing authority: State Supervisory Committee for safe conduct of works in industry and for mining supervision under the Government of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- information about staffing arrangements and qualifications of the personnel, arrangements for training and appraisal of specialists whose activities are related to hazardous works, facilities and operations;

- opinions of state environmental expertise authorities, fire inspection and sanitary and epidemiological service;

- report of the industrial safety expertise;

- information about arrangements for internal technical controls;

- note certifying existence of a project for construction of an ordnance magazine;
- a copy of acceptance certificate for the ordnance magazine;
- a note about availability of regulatory documents with regard to produced explosive materials and products manufactured out of them;
- regulation on management of blasting works (work with explosive materials);
- opinion of bodies of the interior about compliance of facilities;
- list of personnel working with explosive materials;
- declaration of industrial safety practices for the hazardous production facility;
- a copy of plan for localization and liquidation of emergency situations;
- a copy of an order appointing persons responsible for maintenance and safe operations of explosion hazardous works, facilities and safe handling of works;
- information about availability of duly approved process procedures for the output goods or operating instructions;
- a copy of test record for the engineers and maintenance staff with regard to knowledge of rules and instructions for safe operations;
- information about technical equipment of the enterprise.

## **Chapter 26. Specifics of licensing activities in the sphere of energy**

### 1. Licensable type of activity:

- operation of oil and gas production enterprises;
- processing of oil, gas and their derivative products on commercial basis;
- transportation along main pipelines of oil, gas and their derivative products;
- storage of oil, gas and their derivative products (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);
- marketing of oil, gas and their derivative products;
- generation, transmission, distribution of electric and thermal energy (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);
- installation, tuning and repairs of power facilities, electrical and heat energy equipment and consumers' power facilities (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);
- activity for operation of electricity networks (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);



- activity for operation of gas distributing networks and equipment (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);

- activity for operation of heating systems and equipment (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur).

2. Activity for operation of electric networks includes works related to:

- power equipment;

- transformer substations;

- maintenance of electric networks, accumulator plants, compressor units, cable lines, overhead power lines;

- ensuring reliable and uninterruptible power supply to consumers as well as ensuring safe operation of electric networks.

3. Activity for operation of gas distributing networks and equipment includes the following works:

- ensuring reliable and uninterruptible gas supply to consumers;

- ensuring safe operation of facilities and technical maintenance of gas distributing networks, stations, points (gas distribution stations, substations, and cabinet-type regulating points).

4. Activity for operation of heat networks and equipment includes the following works:

- maintenance of heat networks;

- ensuring reliable and uninterruptible heat supply to consumers with the use of all types of natural resources, including alternative types of energy;

- ensuring safe operation and maintenance of heat networks.

5. Licensing authority:

Ministry of Energy of the Republic of Tajikistan;

State committee for construction and architecture of the Republic of Tajikistan for assemblage, tuning and repairs of energy facilities.

6. Additional documents for issuance of a license:

- list of regulatory technical documents that will serve as a basis for implementation of the licensable activity;

- opinion of authorities in the sphere of sanitary and epidemiological supervision, state energy supervision, state mining and industrial safety supervision, environmental supervision and fire inspection, depending on the proposed type of activity;

- information about production and technical facilities;

7. Additional licensing conditions and requirements:

- a quality control system should be in place;
- satisfactory condition of physical infrastructure (including technical condition of energy equipment and facilities);
- qualifications and professional composition of staff with due regard for their educational level, working experience in respective energy field;
- compliance with the established procedures in the sphere of generation, transportation, storage, processing, transformation, extraction, transmission, distribution and marketing of energy resources and energy.

8. The licensing authority, whenever appropriate, can engage independent experts to study and examine activities of the license applicant.

9. To ensure prompt resolution of licensing related issues, the licensing authority can establish territorial branches to carry out the following functions:

- initial reception and review of license application documents;
- submission of materials to the Ministry of Energy of the Republic of Tajikistan for further review of license granting issues;
- upon instruction from the licensor check compliance with licensing requirements and conditions.

## **Chapter 27. Specifics of licensing activities in the sphere of construction**

### 1. Licensable type of activity:

- urban development, survey and design works, construction of residential, public and industrial buildings and facilities (including expansion, reconstruction, repairs and rehabilitation of existing facilities);
- construction and installation works (excluding construction of individual residential houses);
- activity for restoration of cultural heritage facilities (cultural and historic monuments).

2. Activity for survey and design works includes design of urban development planning documentation, design of utilities flow diagram for communities and territories, architectural design; structural design and construction; design of utility networks and systems; development of special sections of projects, process design (by industrial sectors and separate economic elements), development of interior design and styling, performance of general contractor's functions.

3. Construction of buildings and facilities includes preparation of the construction site, earth works, establishment of the bases and foundations, construction of load bearing and cladding structures of buildings and facilities (up to 6 m, up to 12 m, more than 12 m), installation of exterior utility networks and equipment, installation of interior utility networks, protection works for structures and equipment, finishing works, installation of production equipment, performance of general contractor's functions, performance of customer's functions.

4. Activity for restoration of cultural heritage facilities (cultural and historic monuments) includes planning and implementation of works for field surveys, conservation of renovation works, restoration, regeneration, reconstruction, adjustment of cultural heritage facilities (cultural and historic monuments), monuments, memorials, busts and obelisks.

5. Licensing authority: State Committee for Construction and Architecture of the Republic of Tajikistan.

6. Additional documents for issuance of a license:

- copies of documents certifying qualifications of the individual entrepreneur or staff of a legal person in compliance with the licensing requirements;

- information about buildings and premises required for carrying out the licensable type of activity that are either owned or otherwise are at legal disposal of the license applicant, indicating titles and other details of the documents serving as a basis for the license applicant to use the above buildings and premises;

- opinion of the Ministry of Culture of the Republic of Tajikistan about the activities for restoration of cultural heritage facilities (cultural and historic monuments).

7. Listed below are the licensing requirements and conditions:

- at least 50% of managers and specialists on the staffing table of the legal person must have university degrees and working experience of no less than 5 years in the sphere of civil-engineering surveys, construction and design; an individual entrepreneur must have higher professional education and working experience of at least 5 years in the sphere of civil-engineering surveys, design and construction, and at least 5 years of working experience in the sphere of surveying and restoration of cultural heritage facilities (cultural and historic monuments), monuments and memorials;

- a licensee must own or otherwise have at his legal disposal buildings, premises, equipment, tools, construction machinery, means of transportation, mechanical or manual tools, engineering accessories, mobile power generating units, safety aids, measurement and control equipment necessary to carry out the licensable activity;

- quality control system for implemented works, accepted materials, structures, and goods as well as systems for metrological service of instruments and measurement devices should be in place;

- implementation of the licensable activity in accordance with requirements imposed by the legislation of the Republic of Tajikistan, appropriate public standards and regulatory technical documents in the sphere of construction;

8. When carrying out licensing, the licensing authority shall have the right to include into the commission professional creative organizations working in the sphere of construction, architecture and urban development, independent experts, individual highly qualified specialists and other persons for independent assessment of the applicant's (licensee's) compliance with the licensing requirements and conditions.

## **Chapter 28. Specifics of licensing activity for engineering and geodetic surveying, geodetic activities, topographic surveys, cartographic and space activities**

### 1. Licensable type of activity:

- engineering and geodetic surveying (investigations);
- geodetic activities;
- topographic surveys;
- cartographic activity;
- space activity;

### 2. Works constituting engineering and geodetic surveying:

- topographic surveys in the scales of 1:10,000 - 1:200. Topographic and geodetic surveys include establishment on site of horizontal and vertical control networks; large scale topographic survey of sites; marking out of linear structures, geodetic tie of geological workings, hydrologic sections, geophysical prospecting points;

- route surveys;
- establishment of geodetic marking-out.

### 3. Works constituting the substance of geodetic activity:

- establishment (development) of geodetic control networks;
- construction of geodetic beacons;
- establishment of beacon centers;
- establishment of horizontal and vertical control networks;
- aerophotographic operations;
- alignment works;
- surveys of underground utility lines;
- phototheodolite survey;
- geodetic works related to setting out of controls of engineering geodetic workings, geophysical and other survey points.

### 4. Works constituting the substance of topographic survey:

- plane-table mapping (scales of 1:10,000-1:200);
- horizontal survey (scales of 1:10,000-1:200);
- tacheometric survey. (scales of 1:10,000-1:200);
- stereotopographic survey;

- combined survey;
- updating of topographic (engineering topographic) plans;
- altimetric survey.

5. Works constituting the substance of cartographic activity:

- production of open cartographic materials (atlases, political-administrative, thematic, outline and other types of maps);
- permissions for compilation and preparation for publication of thematic, specialized and other maps;
- tourist maps;

6. Works constituting the substance of space activity:

- earth remote sensing;
- space imagery;
- compilation of materials based on space imagery;
- operation of GPS receivers.

7. Licensing authority:

National agency for space, geodesy and cartography under the Government of the Republic of Tajikistan "Tojikoinot";

State Committee for Land Management of the Republic of Tajikistan for works related to land management;

State Committee for Construction and Architecture of the Republic of Tajikistan for works related to construction.

8. Additional documents for issuance of a license:

- application for carrying out topographic, geodetic and cartographic works (license application) in accordance with the format approved by the licensing authority;
- information about technical facilities;

9. Additional licensing requirements:

- compliance of the chosen method of work, survey scale and contour interval with the regulations;
- availability of qualified implementation staff;
- availability of geodetic instruments;
- higher education and practical working experience of at least 3 years in this field or secondary specialized education and working experience of at least 8 years in this field.

10. No license is required for topographic geodetic works carried out by educational organizations in the course of students' practical exercises if they are not of commercial nature.

## **Chapter 29. Specifics of licensing activities for implementation of underground surveys**

1. Licensable type of activity: implementation of underground surveys.

2. Implementation of underground surveys includes:

- spatial and geometric measurements of mines and underground structures, identification of their parameters, location and compliance with the design documentation;
- monitoring condition of mine allotments and justification of their boundaries;
- maintaining mining graphical documentation;
- accounting and justification of mining volumes;
- identification of dangerous zones and protection measures for mines, buildings, structures and natural sites from impacts of works related to subsoil use.

3. Licensing authority: State Supervisory Committee for safe conduct of works in industry and for mining supervision under the Government of the Republic of Tajikistan.

4. Additional documents for issuance of a license:

- information about equipment of the enterprise with the necessary quantities of mine surveying, geodetic instruments and devices, computing equipment indicating their makes and types, as well as copies of certificates and passports attesting equipment qualification that were issued by specialized organizations.

- information about availability of specially fitted office for the mine surveying service indicating its area and actual equipment in it in accordance with the Instruction for carrying out mine surveying works;

- information about availability of auxiliary instruments and materials for the mine surveying service, including drawing instruments,

light-printing machines, coordinates calculation journals and field books, paper and other materials for production of plotting sheets, tracing plans and blueprints;

- list of available main regulatory technical documentation (rules, standards, instructions, regulations) for carrying out mine surveying works;

- information about the standing arrangements for repairs, checking and testing of mine surveying instruments and devices;

- the necessary staffing arrangements in the mine surveying division (engineers and mine survey technicians, cartographers and staff of the mine surveying bureau) in line with requirements of the instruction for carrying out mine surveying works;

- approved staffing table of the mine surveying division and information about the actual staffing situation;

- information about specialists of the mine surveying service (surname, name, patronymic, year of birth, education, working experience in the field, position, date of the last appraisal);
- a copy of state secret qualification clearance (for natural persons) received in accordance with the established procedures;
- information about the main conditions for subsoil use requiring specialized, sophisticated, high-precision techniques and methods for carrying out mine surveying works;
- information about internal controls over mine surveying works existing at the enterprise.

### **Chapter 30. Specifics of licensing in the area of hydrometeorology and in adjacent fields by entities not included into the structure of the state hydrometeorological service of the Republic of Tajikistan**

1. Licensable type of activity: activity in the area of hydrometeorology and in adjacent fields by entities not included into the structure of the state hydrometeorological service of the Republic of Tajikistan (including implementation of works for active influence on hydrometeorological and geophysical processes and phenomena).

2. Activity in the sphere of hydrometeorology includes:

- identification of meteorological, climatic, aerological, hydrological and agrometeorological characteristics;
- preparation and provision to users of forecasting and regime information;
- establishment and maintaining of a data bank in the area of hydrometeorology and adjacent fields for monitoring of natural environment;
- determining pollution levels (including radioactive) of the natural environment (atmospheric air, soil, surface waters);
- forecasting and preparation for users of analytical and calculated information about condition of the natural environment and about its pollution (including radioactive);
- installation, repairs, maintenance and checking of hydrometeorological devices and equipment.

3. Licensing authority: State committee for protection of environment and forestry of the Republic of Tajikistan.

4. Additional documents for issuance of a license:

- information about regulatory and engineering framework;
- availability of qualified personnel for implementation of the indicated type of hydrometeorological activity;
- certificate of compliance for equipment and instruments;

5. Additional licensing requirements and conditions:

- availability of staff with professional education and working experience in this field of at least 3 years;
- availability of instruments and equipment required for implementation of the works;
- duly issued certificate of accreditation for carrying out works in the sphere of hydrometeorology and environmental quality monitoring;
- prompt communication to the licensing authority of information about condition of the natural environment, its pollution, emergency situations of man-made nature that have caused, are causing or can cause adverse impact on the natural environment;
- communication in accordance with the established procedures to the nearest hydrometeorological center of current data, observation results and emergency information;
- communication of information in the sphere of hydrometeorology and environmental monitoring to the Comprehensive data bank on condition of the natural environment and its pollution.

### **Chapter 31. Specifics of licensing activities for handling hazardous wastes**

1. Licensable type of activity: activity for handling hazardous wastes.
2. Activity for handling hazardous wastes includes collection, storage, transportation, utilization, decontamination and burial of hazardous wastes.
3. Licensing authority: State committee for protection of environment and forestry of the Republic of Tajikistan.
4. Additional documents for issuance of a license:
  - opinion of sanitary and epidemiological supervision authorities;
  - opinion of fire inspection authorities;
  - opinion of the state supervision authority for safety of industrial works and mining supervision, in case of activity related to handling of hazardous wastes during extraction and processing of mineral raw materials as well as subsoil disposal;
  - opinion of geological authorities in cases when wastes can have an impact on underground waters and subsoil assets;
  - seal of approval of the state environmental expertise.
5. Additional licensing requirements and conditions:
  - professional training of staff who allowed to handle hazardous wastes that is substantiated by attestations (certificates) allowing handling of hazardous wastes;
  - lawful ownership by the licensee of industrial premises, wastes storage facilities, equipment meeting technical standards and requirements, and means of transportation needed for carrying out the licensable type of activity;



- availability of inspection and measurement tools at the disposal of the licensee that corroborate compliance with standards of admissible environmental impact during implementation of the licensable activity.

6. To take the decision on issuance of the license the licensing authority shall carry out an expertise of the submitted materials assessing their completeness and reliability, compliance of conditions of implementing activities related to handling hazardous wastes with environmental requirements set out in the regulatory documents.

### **Chapter 32. Specifics of licensing expert environmental activity**

1. Licensable type of activity: expert environmental activity

2. Expert environmental activity includes:

- environmental audit;

- environmental consultancy;

- development of materials for environmental impact assessment (EIA), strategic environmental assessment (SEA), "Environment Protection" section of subproject and project documentation.

3. Licensing authority: State committee for environmental protection and forestry.

4. Additional documents for issuance of a license:

- information about regulatory technical framework and qualifications of staff for implementation of the indicated type of expert activity;

- copies of documents certifying higher education (or scientific degree) in one of the environment related fields.

5. Additional licensing requirements and conditions: scientific and professional training certified with licenses, diplomas, certificates and other documents.

### **Chapter 33. Specifics of licensing pharmaceutical activity, production of disinfecting, disinsecting and rat extermination substances**

1. Licensable type of activity:

- pharmaceutical activity (fabrication and production of medicinal and cosmetic substances, production of medical commodities and equipment, trade in pharmaceuticals and medical goods, production of healthful and dietary meals);

- production of disinfecting, disinsecting and rat extermination substances

2. Licensing authority: State center for expertise and certification of pharmaceuticals, medical equipment, medicinal and sanitary products, healthful and dietary meals, food supplements and cosmetics under the Ministry of Health of the Republic of Tajikistan.

3. Additional documents for issuance of licenses for all those types of activity:

- copies of documents certifying rights to use production premises;
- opinion of sanitary and epidemiological authorities and fire inspection;
- certificate of compliance of the premises for specific types of pharmaceutical activity;
- copies of duly certified diplomas and work books of specialists;
- copies of specialists' certificates attesting to their qualifications required for implementation of the specific type of activity;
- original copy of the previous license (in case of license renewal).

4. To obtain a license for fabrication and production of pharmaceutical and cosmetic substances, healthy and dietary meals, disinfectant, disinsectant and rat extermination substances, the following additional documents are required besides those listed in paragraph 3 of this chapter:

- a copy of acceptance certificate for the production facility (for newly established subjects of licensing) or a copy of the facility inspection certificate (for operating enterprises) issued by the licensing authority;

- inception or production regulations for the newly established pharmaceutical facility in accordance with the standards and established requirements (for pharmaceutical production - instructions on preparation of pharmaceuticals);

- copies of documents certifying compliance of the equipment for carrying out pharmaceutical activity and activity related to production of healthy and dietary meals and cosmetic substances as well as disinfectant, disinsectant and rat extermination substances that was declared for licensing (for newly established subjects of licensing);

- technological performance chart and quality chart for pharmaceuticals and medical commodities, healthy and dietary meals and cosmetic substances as well as disinfectant, disinsectant and rat extermination substances;

- certificate on the status of metrological assurance;

- certificate about existence of internal quality control system for produced pharmaceuticals and medical commodities, healthy and dietary meals and cosmetic substances as well as disinfectant, disinsectant and rat extermination substances.

- availability of required documents (patents, certificates, etc) that allow production of pharmaceutical and medical commodities, healthy and dietary meals and cosmetic substances as well as disinfectant, disinsectant and rat extermination substances.

5. Additional licensing requirements and conditions:

- compliance of the used facilities with requirements for pharmaceutical institutions;
- availability of the necessary regulatory technical documentation (in case of production) and registration certificate (in case of production);

- adequate staff of specialists necessary to implement the indicated activity and professional refreshment courses at least once every five years for specialists involved in pharmaceutical activity;

- compliance with sanitary regulations and rules;

- compliance with requirements established by regulatory legal acts with regard to pharmaceutical activity and turnover of pharmaceutical and cosmetic substances, medical commodities and equipment, healthy and dietary meals as well as disinfecting, disinsecting and rat extermination substances.

6. Specific requirements with regard to facilities, equipment and specialists are determined by the existing technological regulations and other duly approved normative documents.

7. Expertise, examination, testing, accreditation of the used facility should be carried out before the licensing procedure.

### **Chapter 34. Specifics of licensing activity for maintenance of medical equipment and activity related to the use of infection agents**

1. Licensable type of activity:

- maintenance of medical equipment (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);

- activity related to use of infection agents.

2. Name of the licensing authority: Ministry of Health of the Republic of Tajikistan.

3. Additional documents for issuance of the license:

- opinion of sanitary and epidemiological supervision authorities;

- opinion of fire inspection authorities;

- duly authenticated copies of work books and education diplomas and certificates of specialists;

- information about qualifications of specialists responsible for maintenance of medical equipment;

4. Additional licensing requirements and conditions:

- compliance with requirements of regulatory technical documentation for operation of medical equipment, operation documents as well as regulatory documents for organization of medical equipment maintenance;

- licensee's staff responsible for maintenance of medical equipment must have higher or secondary specialized technical education and working experience in the respective field of at least 3 years;

- professional refreshment courses at least once every five years for specialists responsible for maintenance of medical equipment and for activity related to the use of infection agents;

- compliance of premises, equipment and, test hardware used by the licensee to carry out the activity, with technical standards and requirements.

5. Procedures for appraisal of persons involved in this activity and for issuance of specialist's certificate shall be determined by the Ministry of Health of the Republic of Tajikistan.

6. Specific requirements for facilities are set out in existing technological guidelines and other duly approved regulatory documents.

### **Chapter 35. Specifics of licensing private medical practice and activities for provision of prosthetic and orthopedic care.**

1. Licensable type of activity:

- private medical practice;
- activity for provision of prosthetic and orthopedic care.

2. Name of the licensing authority: Ministry of Health of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- opinion of sanitary and epidemiological supervision authorities;
- opinion of fire inspection authorities;
- certificate of special registration issued by the State assay inspection under the Ministry of Finance of the Republic of Tajikistan - in connection with activity for provision of prosthetic and orthopedic care;
- list of provided medical services;
- copies of documents confirming the right of the license applicant to the use of production premises;
- notarized copies of work books and education diplomas, certificates of specialists confirming their professional qualifications to carry out the specific type of medical activity;
- certificate of compliance of the premises with the specific type of private medical activity and activity for providing prosthetic and orthopedic care.

4. Additional licensing requirements and conditions:

- advanced training at least once every 5 years for specialists of the licensee;
- submission of a report on medical activity twice a year.

5. Procedure for appraisal of medical personnel and issuance of specialists' certificates shall be determined by the Ministry of Health of the Republic of Tajikistan.

6. Specific requirements for facilities, equipment and specialists are set out in existing technological guidelines and other duly approved regulatory documents.

## **Chapter 36. Specifics of licensing activities for cultivating drug-containing plants for scientific purposes, as well as development of new narcotic and psychotropic substances and activity related to legal circulation of narcotic and psychotropic substances**

### 1. Licensable type of activity:

- cultivation of drug-containing plants for scientific purposes, development of new narcotic and psychotropic substances;
- activity related to legal circulation of narcotic and psychotropic substances (development, production, manufacture, processing, storage, transportation, consignment, release, sale, distribution, procurement, use, import, export and disposal).

2. Licensing authority: State center of expertise and certification of pharmaceutical products, medical equipment, medical and sanitary commodities, health and dietary meals, food supplements and cosmetics under the Ministry of Health of the Republic of Tajikistan.

### 3. Additional documents for issuance of a license:

- opinion of appropriate authorities of the interior about the possibility of storing narcotic and psychotropic substances in the facilities for implementation of the proposed activity;
- statement from authorities of the interior about clean record of persons having access to narcotic and psychotropic substances;
- statement from the narcology service with regard to persons having access to narcotic and psychotropic substances;
- order of the head of the institution about appointment of persons having access to narcotic and psychotropic substances;
- copies of diplomas of persons having access to narcotic and psychotropic substances;
- in case of proposed cultivation of drug-containing plants for scientific purposes as well as development of new narcotic and psychotropic substances a positive expert report from the Academy of Sciences of the Republic of Tajikistan about expedience of conducting that particular activity is required.

4. To obtain a license for production of narcotic and psychotropic substances the license applicant must additionally submit the following documents:

- inception or production regulations for the newly established pharmaceutical facility in accordance with the standards and requirements approved by the Ministry of Health of the Republic of Tajikistan (for pharmaceutic production - instructions on preparation of pharmaceuticals);
- copies of documents corroborating compliance of equipment for carrying out pharmaceutical activity (for newly established licensing subjects);
- technological performance chart and quality chart for narcotic and psychotropic substances;
- certificate on the status of metrological assurance;

- statement about internal quality control system for produced narcotic and psychotropic substances issued by an authorized body for state control over pharmaceutical activities;
- information about availability of specially trained personnel that has the right to engage in legal circulation of narcotic and psychotropic substances;
- agreement with law enforcement authorities about ensuring security of facilities producing narcotic drugs.

5. Additional licensing requirements and conditions:

- for a pharmacy a copy of a license for pharmaceutical activity (authenticated by the head of the licensee) is required;
- quarterly submission of reports about receipt and use of narcotic and psychotropic substances;
- submission of information about import and export of narcotic and psychotropic substances within 10 days;
- copy of contract with supplier of narcotic and psychotropic substances.

6. The licensing commission includes representatives of the Ministry of Health of the Republic of Tajikistan, Drug Control Agency under the President of the Republic of Tajikistan and the Ministry of Interior of the Republic of Tajikistan.

7. Specific requirements for facilities, equipment and specialists are set out in existing technological guidelines and other duly approved regulatory documents.

Note: Provisions of this chapter are not enforced with regard to officers of law enforcement authorities engaged in combating illegal circulation of narcotics and state judicial agencies responsible for expert examination of narcotic substances.

### **Chapter 37. Specifics of licensing activity related to sources of ionizing radiation (generating) and activity related to use of radioactive substances**

1. Licensable type of activity:

- activity related to sources of ionizing radiation (generating);
- activity related to use of radioactive substances.

2. Activity related to sources of ionizing radiation includes production, sale, use, transportation, storage and disposal of ionizing radiation sources, repairs of units using ionizing radiation sources.

3. Licensing authority: Academy of Sciences of the Republic of Tajikistan.

4. Additional documents for issuance of a license:

- statement of sanitary supervision authorities about suitability of premises and utility systems and specialized transport vehicles used for carrying out the declared types of activity, and availability of protective equipment and covers;

- opinion of fire inspection authorities;
- copies of compliance certificates issued by certification authorities for produced, manufactured, used and sold items;
- copies of state registration certificates for the radioactive substances;
- a copy of an attestation certificate issued by the Agency for Nuclear Energy and Radiological Safety of the Academy of Sciences of the Republic of Tajikistan;
- document certifying that in case of import or transit of radiation sources their return to the exporter will be ensured if the import or transit is not completed;
- a copy of statement from a medical institution about mental status of supervisor and implementing staff for this type of work;
- opinion of bodies of the interior with regard to the authorization system.

#### 5. Additional licensing requirements:

- documents certifying compliance of supervisors and implementing staff with special qualification requirements ensuring completion of the declared types of work;
- availability of facilities meeting sanitary and construction rules and standards established for implementation of those types of activity and availability of specialized equipment and tools;
- attestation certificate issued by the Agency for Nuclear Energy and Radiological Safety of the Academy of Sciences of the Republic of Tajikistan.

6. Specific requirements for facilities, equipment and specialists are set out in existing technological guidelines and other regulatory documents duly approved in accordance with the legislation of the Republic of Tajikistan.

## **Chapter 38. Specifics of licensing activities in the sphere of transport**

### 1. Licensable type of activity:

- design, construction, reconstruction, repairs and maintenance of automobile roads and road structures;
- passenger transportation by internal water transport;
- freight transportation by internal water transport;
- passenger transportation by automobile transport equipped for transportation of more than 8 people (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);
- commercial transportation of passengers by light-duty vehicles;
- commercial freight transportation by automobile transport with capacity of more than 1,5 tons (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur);

- railway transportation of passengers (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur and without access to public railway tracks);

- railway transportation of freights (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur and without access to public railway tracks);

- loading and unloading activity in the sphere of internal water transport;

- loading and unloading activity in the sphere of railway transport;

- activity for maintenance and repairs of rolling stock in the sphere of railway transport;

- activity for maintenance and repairs of machinery used in automobile and railway transportation (maintenance and repairs of vehicles, locomotives, carriages, tires, separate systems and units of a transportation medium);

- operations of passenger and freight terminals (bus terminals, motor-coach terminals, parking lots, railway terminals and stations).

2. Licensing authority: Transport Inspection under the Ministry of Transport of the Republic of Tajikistan.

3. Additional documents for granting the license:

1) For carrying out transportation activities:

- a copy of driver's license and technical passport of the vehicle;

- copy of quality certificate of the vehicle;

- a copy of agreement on lease of the rolling stock and proxy (if transportation is done with transport that is not owned by the transporter);

- copy of technical passport, statement of technical examination of railways and access routes, a copy of access routes plan for each of the connection stations, agreement with connection station on operation of the access railway route (for railway transportation);

2) For operation of passenger terminals:

- information about production and technical facilities including types of terminals, availability of platforms, vehicle parking aprons, points for technical examination of passenger transport and medical examination of drivers before departure for their routes, information and reference, operator and dispatcher services;

- information about route diagram and timetable of buses per route;

- information about availability of cultural-domestic and sanitary services for passengers and terminal personnel, including luggage-rooms, drivers lounges, waiting rooms, booking office, dispatcher rooms, administrative offices, nursery rooms, hotels for international terminals, etc.;

- information about staff composition and their qualifications with copies of documents certifying their education;



- information about compliance with general safety rules.

3) For operation of freight terminals:

- information about production and technical facilities including data about availability of points for technical examination of vehicles, parking apron and station, appropriate warehouses for storage of freights, loading and unloading mechanisms, information and reference, operator and dispatcher services;

- in case of using loading and unloading equipment, permission of appropriate authority;

- information about availability of cultural-domestic and sanitary services for drivers;

- information about compliance with general safety rules;

- information about staff composition and their qualifications with copies of documents certifying their education.

4) For maintenance and repairs of vehicles:

- information about production and technical facilities (information about availability of stations for carrying out specific types of activities);

- information about staff composition and their qualifications with copies of documents certifying their education;

- information about performed works;

- information about compliance with general requirements in the area of safety, labor and sanitary hygiene;

5) For road operation:

- information about production and technical facilities including outsourced facilities (agreements on lease of road machinery not owned by the licensee);

- information about compliance with health regulations, environmental, labor protection, fire safety and sanitary rules;

- information about composition of supervisory staff, qualifications of personnel, engineers and technicians (E&T) attaching copies of diplomas, certificates and information about professional training and appraisal of specialists with regard for carrying out professional activities in the sphere of road operation;

- information about quality control system in the organization;

- opinion of authorities monitoring output products with attached certificates of quality, testing results, a copy of contract with a laboratory for testing output products;

- document certifying authority of the person who submitted the documents;

- experts' opinions about issuance of the license.

4. Additional licensing requirements and conditions:

- compliance with technical, sanitary and environmental requirements and rules for labor protection, operation safety, fire safety and sanitary hygiene;

- compliance with international and interstate norms and standards recognized by the Republic of Tajikistan;

- compliance of the licensee's qualification and technical level with the established norms and standards (production facilities, equipment, transport vehicles, etc.);

- compliance of facilities used in carrying out the licensable types of activity with the established norms and standards (transport vehicles, technical facilities, equipment, etc.);

- compliance of the performed works quality with the established norms and standards;

- compliance with the rules for transportation of freights, passengers and luggage (observance of traffic routes, capacity requirements, permissible axle loading and transported freight clearance limits, availability and compliance of carriage documents) - for transportation activities;

- availability and compliance of production and technical facilities (including platforms, parking aprons, points for technical examination of buses and medical examination of drivers before departure for their routes, information and reference, operator and dispatcher services), cultural-domestic and sanitary services for passengers, drivers and terminal personnel (including luggage-rooms, drivers lounges, waiting rooms, booking office, dispatcher rooms, nursery rooms, etc.), route diagrams and timetable of buses per route, with the established norms and standards - for operations of passenger terminals;

- availability and compliance of production and technical facilities, including points for technical examination of vehicles, parking aprons, warehouses for storage of cargo, loading and unloading mechanisms, information and reference, operator and dispatcher services, cultural and domestic and sanitary services for drivers with the established norms and standards - for operations of freight terminals and forwarding companies;

- compliance with the level of responsibility of the performed works - for road operation.

5. Depending on the capacity to perform works of certain complexity in the sphere of road operation, at the time of licensing, a level of responsibility is established in accordance with the "Procedures for assigning the level of responsibility for performed works in licensing road operations" (Attachment 1).

6. Transportation of passengers by railway transport is carried out on main railways whereas transportation of freights by railway transport is carried out both on main railways and on access routes. Transportation also includes forwarding activities.

7. Legal persons are issued licenses by types of licensable activity. For drivers of transport vehicles a separate license is issued.

8. Activities of transport vehicles is regulated by control cards issued for each transport vehicle. The control card lists the license series and number, licensee's name, type and area of activity, make and state registration number of rolling stock and period of the licensee's operation in the specific area of activity. The control card is issued on the basis of licensee's application to conduct the licensed type of activity in a certain area of activity for a certain period requested by the licensee, but no more than for 6 months. It is endorsed by the head of the licensing authority and authenticated by the licensing authority seal. The licensing authority charges a fee in the amount of two minimal wages for issuance of the licensing card. The fee is not refundable. In case

of reissuance of the control card the charged fee is in the amount of one minimal wage. In case of the control card extension the fee is the same as for issuance of the control card and is not refundable. Extension and reissuance of the control cards is carried out within 3 days.

#### 9. Control over activities of transport vehicles:

Inspection of transport vehicles is implemented by the Transport Inspection under the Ministry of Transport of the Republic of Tajikistan in accordance with procedures provided for in the regulatory legal acts of the Republic of Tajikistan.

Inspection of transport vehicles is carried out en route, in terminals, in points for control and registration of transport vehicles, at stationary check-points on exit from regions, cities and districts of the republic on a daily basis.

During inspection of a transport vehicle the following items are checked:

- presence of license, control card, certificate and other documents that the driver must have with him;
- technical condition, exterior and interior of the transport vehicle, its gear according to the existing requirements (front, rear, side stencils, information inside the cabin for passengers);
- compliance of the license holder with transport legislation and licensing requirements;
- compliance of the transport vehicle and its assembly units and instruments with technical requirements and conditions;
- compliance with requirements regarding axle load, transported freight clearance limits, holding capacity;
- accuracy of filling out trip documents for passenger transport (notation about medical examination and endorsement of mechanic from control technical point, conformity of the planned departure (arrival) time with the actual departure (arrival) time, route plan, itinerary timetable, etc.).

10. When carrying out instrumental measurements, gauging, testing, weighing of transport vehicles (to determine compliance with the axle loading requirement, etc) officers of the Transport inspection under the Ministry of Transport of the Republic of Tajikistan must use instruments and devices envisaged by the state standards (GOST) that passed state examinations. Procedures for determining payments for surplus tons of axle loading are established by the Ministry of Transport of the Republic of Tajikistan in consultation with the Ministry of Finance of the Republic of Tajikistan.

11. Based on the results of inspections and examinations of transport vehicles in cases when it is determined that a licensable activity is carried out without a license, or when non-compliance with licensing requirements and conditions or gross violations thereof are revealed, officers of Transport Inspection under the Ministry of Transport of the Republic of Tajikistan take the following measures: draw up official notes, reports, protocols; issue warnings; take decisions enjoining that the licensee should rectify the revealed violations within a stated period of time; initiate procedures applicable for administrative infractions; suspend the license until the revealed violations are rectified. The drawn up materials (official notes, reports, protocols) must be reliable, complete and objective and must be substantiated by appropriate documents.

12. When a protocol is drawn up it should indicate: date and place of the protocol, position, surname, name and patronymic of the person who drew up the protocol; details of the person who

committed the violation, place, time and essence of the violation, regulatory act envisaging responsibility for that violation. The protocol is signed by the person who committed the violation and by the person who drew up the protocol. When a protocol is drawn up, transport registration documents should be withdrawn from the holder up until the time when the violations are rectified and the holder is given a document withdrawal slip.

13. Management of the Transport inspection under the Ministry of Transport of the Republic of Tajikistan and heads of its local branches must review inspection results within a 15-day period.

## **Chapter 39. Specifics of licensing activities in the sphere of air transport**

1. Licensable type of activity:

- air transportation of passengers;
- air transportation of freights;
- activity for engineering support for air traffic;
- activity for maintenance of aircraft;
- activity for repairs of aircraft;
- activity for using aviation in various sectors of economy.

2. Transportation of passengers and freights by air transport includes the following types of work:

- regular domestic transportation of passengers and freights;
- regular international transportation of passengers and freights;
- irregular (charter) domestic and international transportation of passengers and freights;
- agency in sales of air transportation services;
- catering of flight meals for passengers (crews) of aircraft.

3. Activity for engineering support for air traffic includes the following types of work:

- services directly related to take-off and landing of aircraft (aerodrome, lighting facilities, radio-technical, meteorological, navigational, ornithological, search and rescue support, air traffic control, aeronautical information, flight operating safety);
- aviation engineering support for aircraft;
- jet-fuel supplies to aircraft;

4. Activity for use of aviation in various sectors of economy includes implementation of certain types of work to meet the needs of organizations and population related to the use of specialized technologies and equipment (dissemination of substances and biological payloads, airborne survey, construction and installation works).

5. Licensing authority: Department of Civil Aviation of the Republic of Tajikistan.

6. Characteristics of licenses for transportation of passengers and freights by air transport:

- type of transportation (passenger, freight, passenger-freight);
- type of aircraft;
- type of provided services (sales, transportation booking);
- category of transportation (regular, domestic, international)

7. Air carrier with a license for irregular (charter) air transportation does not have the right to organize individual sale of passenger (freight) transportation (including as additional loading of aircraft) without permission from the licensing authority.

8. Licensing of international regular and irregular (charter) air transportation is carried out on the basis of:

- intergovernmental agreements on air transport executed on behalf of the Government of the Republic of Tajikistan;
- agreements, protocols, memorandums and other documents between aviation authorities on flight operation;
- special permissions issued by competent authorities of the Republic of Tajikistan and other countries.

9. A license for carrying out international regular and irregular (charter) air transportation is issued to an air entity that was assigned a three-character code of the International Civil Aviation Organization (hereinafter ICAO) and has a duly registered carriage documents.

10. An air entity that does not have a three-character code assigned by ICAO when applying for a license for international (charter) air transportation can use the three-character code of an air entity that has such a registration, subject to agreement between them.

11. A license for carrying out regular international air transportation can be issued to an air entity under the condition that it has at least 1 year experience in irregular (charter) air transportation. This being the case, the quality of passenger service, flight regularity and satisfaction of demand at the serviced routes must be taken into consideration.

12. A licensing authority has the right to issue licenses for international regular and irregular (charter) air transportation on competitive basis.

13. An air carrier that has received a license for international regular transportation on an air route acquires the rights (status) of a designated air carrier for the Republic of Tajikistan.

14. A license for carrying out regular international air transportation gives its holder(s) the right also to carry out additional irregular (charter) flights on that air route.

15. A license for carrying out regular international regular and irregular (charter) transportation can be issued to an air entity subject to the condition that insurance contracts cover the harm to health and property of passengers and freight owners as provided for by the 1955 Warsaw Convention, as well as stipulate insurance liability towards third parties determined by the 1952 Rome Convention, or in other amounts agreed upon with the foreign country.

16. Additional licensing requirements and conditions for carrying out air transportation of passengers and freights:

1) A license to carry out air transportation of passengers and freights is issued to a person who must:

- have a valid civil aircraft operator certificate issued issued by an authorized agency of the civil aviation; with regard to foreign citizens and legal persons, aircraft operator certificates and equivalent documents issued by competent authorities of a foreign country meeting requirements established in the Republic of Tajikistan;

- utilize aircraft that have passed state registration in the Republic of Tajikistan or another country and that have valid airworthiness certificates issued by authorized agency or a foreign country accepted as valid in the Republic of Tajikistan;

- provide for the types of obligatory insurance in accordance with the procedures prescribed by regulatory legal acts of the Republic of Tajikistan;

- have an opinion of sanitary and epidemiological supervision authorities;

- have a document certifying financial and economic capacity of the applicant to carry out the licensable type of activity (in the format established by the Department of Civil Aviation of the Republic of Tajikistan);

- have copies of documents (agreements, contracts, protocols of intent) confirming agreement of concerned organizations to provide services to and to make use of services provided by the applicant in the course of implementing the licensable activity.

17. For regular international transportation the person must additionally have:

- a certificate of the air company registration with the ICAO;

- a three-letter ICAO code for operational purposes;

- the established list of carriage documents for clearing international transportation of passengers and freights.

18. A license for agency in sales of air transportation services can be issued to an applicant if he has:

- his own (or rented) premises equipped with the necessary equipment and means of communication allowing to carry out sales and booking of revenue load for the air operator's aircraft;

- security alarm system;

- certified personnel;

- agency (subagency) agreements (contracts) with at least one air carrier.

19. No license is required if the air carrier sells in its own right air transport services for the flights implemented by aircraft of that air carrier.

20. A license for catering of flight meals for passengers (crews) of aircraft can be issued to an applicant if he has:

- his own (or rented) enterprises (works) fitted with the necessary equipment;
- properly certified personnel;
- on-board dishware in necessary quantities;
- opinion of sanitary and epidemiological supervision authorities;
- certificate of conformity for the food items and raw products;
- agreements (contracts) with at least one air carrier on provision of this type of services;

21. No license is required if catering of flight meals is done by the air carrier itself.

22. A license for activity to provide engineering support for air traffic can be issued to an applicant for the following types of work:

- aerodrome service - if the applicant has:

certificate of state registration and operational suitability of the aerodrome (certificate of conformity);

mechanical appliances for repairs and maintenance of the aerodrome;

- lighting and radio-technical support services - subject to availability of appropriate electric lighting and radio-technical facilities and means of communication;

- air traffic control, subject to availability of facilities and technical means for air traffic control (ATC) provided to ATC unit in the aerodrome area (air complex) or adopted by the system of civil aviation;

- meteorological support, subject to availability of meteorological equipment owned by the applicant or used by it under an agreement with the State agency for hydrometeorology of the Republic of Tajikistan;

- provision of search and rescue services, subject to availability of search and rescue equipment. Besides, those types of support services as well as navigation, ornithology support and provision of aeronautical information must be carried out subject to availability of appropriate specialists (divisions, services) having the required qualification documents (certificates, diplomas, attestations, etc) authorizing to carry out each of the indicated types of support;

- flight operations safety support, subject to availability of:

a flight operations safety program;

fencing along the entire perimeter of the airport (including areas of operational sectors, course and glide slope radio beacons, ATC facilities, radio and electric lighting aerodrome equipment, jet-fuel supplies facilities and commercial warehouses) with warning signs prohibiting entrance to the said controlled areas as well as checkpoints and access control regime in place;

additional fencing in the controlled areas of the airport for jet-fuel supply facilities and commercial warehouses;

special premises, facilities for screening of crew members, operational staff, passengers (carry-on, luggage) including those using official delegations' and VIP lounges, in-flight provisions,

mail and freights, as well as waiting rooms (in sterile area) for passengers who have passed screening;

security lighting in aircraft parking areas, territory of detached airport facilities and checkpoints;

special premises (control stations) equipped with the necessary means of communication to control operations for resolving emergencies related to acts of illegal interference in civil aviation activities;

specially allocated parking areas for servicing aircraft in cases of illegal interference in civil aviation activities;

air security services (units) staffed with specialists with the required qualification documents (certificates, diplomas, attestations, etc) authorizing them to provide that type of support services;

- jet-fuel support for aircraft, subject to availability of:

structures either owned or rented, facilities for storage of fuel (warehouses, central aircraft fueling stations (CAF), specialized vehicles (fueling trucks, oil servicing trucks) and other fueling facilities fitted out in accordance with the existing standards;

laboratory owned (or rented) by the applicant for carry out quality control of fuel and lubricants;

units (services, teams of specialists) manned with staff having required qualification documents (certificates, diplomas, attestations, etc) meeting the requirements adopted for air transportation.

23. Capacity of the applicant to carry out those types of technical and engineering support must be confirmed by appropriate certificates issued by the Department of civil aviation of the Republic of Tajikistan.

24. A license for provision of services for maintenance and repairs of aviation materiel can be issued to an applicant subject to availability of:

- physical facilities for M&R either owned or rented by the applicant as well as required ground equipment to carry out maintenance and repairs of aircraft and other aviation materiel;

- maintenance quality control and record keeping system owned or rented by the applicant that conform to the adopted air transport standards and ensure complete and effective control;

- revolving fund (spare parts, assembly items, special lubricants and fluids, consumables, etc.) and compliance with procedures for its replenishment allowing to carry out maintenance operations for aircraft and other aviation materiel of different types;

- information management system owned or rented by the applicant dealing with maintenance and repairs of aviation materiel;

25. Capacity of the applicant to carry out the declared type of aviation-engineering support must be corroborated by certificates issued by the Department of civil aviation of the Republic of Tajikistan.



26. Activity for use of aviation in various sectors of economy includes types of works divided into the following groups:

- work related to dissemination of substances and biological payloads including:

cultivation of agricultural crops and tending of forest;

control of pests and carriers of human and animal infections;

recultivation of lands and fixation of dust producing surfaces;

decontamination of soil and closed bodies of water;

oil spill cleanup;

fire suppression in forests and pasturelands;

fire suppression in residential and industrial sites;

aerial surveys, observation and patrolling, including:

regulation of snow and ice melting;

inducing precipitation;

prospect-level survey works;

aerial surveys;

aerial visual surveys;

aerophotographic operations.

27. A license for carrying out a group (type) of aviation activities outside the Republic of Tajikistan can only be issued in case the air entity has an appropriate invitation (contract) from a foreign organization (firm).

#### **Chapter 40. Specifics of licensing activities for organization and operation of parimutuels and gambling establishments**

1. Licensable type of activity: operation of parimutuels and gambling establishments

2. Licensing authority: Ministry of Finance of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- copies of documents confirming ownership rights or other legal grounds for using the premises;

- decision of local public executive bodies determining location for operation of parimutuels and gambling establishments;

- opinion of sanitary and epidemiological supervision authorities about conformity of the premises with sanitary requirements;
- opinion of fire inspection authorities about compliance with fire safety requirements;
- copies of documents certifying quality of equipment;
- the legal person organizing parimutuels and gambling establishments provides to the licensing authority guarantees regarding payment of prize fund and winnings;
- list of personnel in charge of management and conducting games at the licensing object.

#### 4. Additional licensing requirements and conditions:

- compliance of rooms for visitor with sanitary and fire safety standards and rules;
- compliance with requirements of bodies of the interior about ensuring visitors' personal safety and public order;
- compliance with requirements regarding safety of cash money;
- personnel in charge of management and conducting games having personal record cards;
- prominently displayed house rules, rules for the played games and accepting stakes, in premises for visitors;
- availability in the establishment pay office of a sufficient amount to pay the declared prize fund or to form a safety fund;
- compliance with the rules for maintaining financial records and accounting;
- access inside the premises where the licensed activity is carried out for persons over 18 years only.

### **Chapter 41. Specifics of licensing tourist activities**

1. Licensable type of activity: tourist activities

2. Licensing authority: Ministry of Economy and Trade of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- documents corroborating existence of branches, representation offices and stand-alone divisions of the legal person that are used to carry out tourist activities, if such branches, representation offices and stand-alone divisions exist (copies of statutes, orders about appointment of their management, proxies for the management, addresses, banking accounts details);

- for a foreign legal or natural person - a duly notarized document of the foreign country or respective authorized body certifying the right of the legal or natural person to carry out tourist activities, legalized by consular agencies of the Republic of Tajikistan abroad.

4. Organization of tourist activities in the border areas is carried out with due regard for restriction prescribed by respective regulatory legal acts of the Republic of Tajikistan.

5. Natural and legal persons, upon receiving the license, when organizing trips for citizens of the Republic of Tajikistan abroad must provide the tourists with vouchers of a standard form. Vouchers are indispensable documents certifying conclusion of a contract between the tourist agency and the tourist.

#### **Chapter 42. Specifics of licensing activities of patent solicitors**

1. Licensable type of activity: activities of patent solicitors.

2. Licensing authority: Ministry of Economy and Trade of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- a copy of diploma of higher legal education;

- decision of certification commission.

4. Additional licensing requirements and conditions:

- higher education in the field of law, engineering or natural sciences;

- at least one year of practical working experience in the sphere of industrial property protection;

- favorable decision of the certification commission;

- citizenship of the Republic of Tajikistan.

Note: The term "patent solicitor" in this chapter means "patent representative".

#### **Chapter 43. Specifics of licensing activities for collection, processing and selling of iron and non-ferrous scrap**

1. Names of licensed types of activity:

- collection, processing and selling of non-ferrous scrap;

- collection, processing and selling of iron-and-steel scrap.

2. Licensing authority: Ministry of Industry of the Republic of Tajikistan.

3. In case the enterprise carries out its activities through several stand-alone facilities, a separate license is not issued.

Details of such facilities (address, telephone, etc.) should be indicated in the license form.

4. Additional licensing requirements:

- an expert's opinion about conformity of the licensee's operational conditions with the established requirements;

- information about availability of engineering and technological facilities for the type of activity applied for.

#### **Chapter 44. Specifics of licensing activity related to employment of citizens of the Republic of Tajikistan outside the Republic of Tajikistan and employment of foreign citizens on the territory of the Republic of Tajikistan**

##### 1. Licensable type of activity:

- activity related to employment of citizens of the Republic of Tajikistan outside the Republic of Tajikistan;

- activity related to employment of foreign citizens on the territory of the Republic of Tajikistan.

2. Licensing authority: Ministry of labor and social protection of population of the Republic of Tajikistan.

3. If necessary, the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan has the right to take the decision about conducting independent expert examination of the submitted documents. In this case decision on issuance or refusal of license is taken within 15 days from submission of the expert's opinion but not later than 30 days from the date of submission of the application and the necessary documents.

4. The Ministry of Labor and Social Protection of Population of the Republic of Tajikistan has the right to take the decision on delegation of its powers to the authorized body in charge of migration issues.

5. Additional documents for obtaining a license for carrying out activities related to employment of citizens of the Republic of Tajikistan outside the Republic of Tajikistan:

- a notarized copy of agreement (contract) with a foreign employer or foreign mediatory organization about employment of citizens of the Republic of Tajikistan abroad;

- a copy of a license of the foreign employer for employment of foreign citizens that was issued by an appropriate authority of that country (if this type of activity is licensable in that country);

- foreign natural or legal person submits to the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan a legalized excerpt from the commercial register of its host country or another equivalent proof of its legal status in accordance with legislation of its host country as of the time of establishment of the foreign enterprise, with notarized translation of the indicated documents in the Tajik (Russian) language.

6. Additional documents for obtaining a license for employment of foreign labor force in the Republic of Tajikistan:

- document certifying legal entry to the territory of the Republic of Tajikistan (visa and registration with respective authorities of the Ministry of the Interior).

- sample labor agreement to be concluded between the foreign citizen and an economic agent of the Republic of Tajikistan endorsed by the head of that organization and authenticated by its stamp.

7. Additional licensing requirements and conditions for carrying out activities related to employment of foreign labor force in the Republic of Tajikistan and employment of citizens of the Republic of Tajikistan abroad:

- at least one specialist on the applicant's staff with higher or secondary specialized legal education;

- availability of premises, equipment, database providing interaction with employment agencies;

- satisfactory financial status;

8. To carry out activities related to employment of citizens of the Republic of Tajikistan outside the Republic of Tajikistan, the following additional requirements and conditions are envisaged along with those listed in paragraph 7 of this chapter:

- registration and provision of questionnaires, free of charge, for citizens to establish a database of candidates for employment abroad;

- advising labor migrants on the existing procedures for employment of foreign citizens in those countries and on provisions of immigration legislation;

- ensuring conclusion of a labor contract between citizens of the Republic of Tajikistan and foreign employers or, upon their instruction, conclusion of the labor contract on their behalf and delivery it to the labor migrants before their departure abroad;

- ensure issuance of foreign passports to citizens of the Republic of Tajikistan going abroad to work in accordance with procedures established by law;

- advising each citizen of the Republic of Tajikistan who has expressed his will to get paid work abroad with provisions of this Regulation and inform him of the address and telephone number of the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan and State Migration Service under the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan;

- safekeeping of copies of labor contracts concluded through its agency between citizens of the Republic of Tajikistan and foreign employers as well as other documents corroborating the citizens' right to employment abroad;

- quarterly submission, according to the established procedure, to the migration service under the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan of reports based on statistical control charts for labor migrants going outside the Republic of Tajikistan to work;

- no advance payments (excluding payment for assistance in employment) can be charged before the citizen of the Republic of Tajikistan has concluded a labor contract with a foreign employer;

- during one year after issuance of the license, the licensee will be bound to carry out activity related to employment of citizens of the Republic of Tajikistan abroad and activity for employment of foreign labor force in the Republic of Tajikistan;

- compliance with provisions of labor contracts concluded with labor migrants;

- registration within a month in the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan labor contracts concluded on the bases of the license with foreign employers;

- registration within 3 days in appropriate divisions of the Ministry of Interior of foreign citizens arriving to the Republic of Tajikistan to work on the basis of concluded contracts;

- quarterly submission of reports based on statistical control charts for labor migrants according to the established procedure to the State Migration Service under the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan.

9. The license must by all means indicate the country of employment of citizens of the Republic of Tajikistan.

10. Upon request from the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan, expert examinations of contracts concluded by economic agents of the Republic of Tajikistan with foreign employers on employment of citizens of the Republic of Tajikistan abroad can also be carried out by accredited representations of the Ministry of Labor and Social Protection of Population of the Republic of Tajikistan in other countries.

11. The license for employment of foreign labor force in the Republic of Tajikistan indicates the number and professional composition of the employed workers and the country of their permanent residence.

12. Suspension of the license does not hamper discharge of obligations under contracts with labor migrants.

## **Chapter 45. Specifics of licensing activity for breeding pedigree animals, production and use of pedigree products**

1. Licensable type of activity: activity for breeding pedigree animals, production and use of pedigree products (excluding cases when this activity is implemented to meet own needs of the legal person or individual entrepreneur).

2. Licensing authority: Ministry of Agriculture of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- information about qualifications of personnel of the license applicant;

- conclusion of the state veterinary service about epizootic situation.

4. Additional licensing requirements (for existing subjects of pedigree business):

- pedigree certificate and attestation;

- conclusion about genetic origin.

#### **Chapter 46. Specifics of licensing activity for production of elite and reproductive seeds (elite seeds)**

1. Licensable type of activity: activity for production of elite and reproductive seeds (elite seeds).
2. Licensing authority: Ministry of Agriculture of the Republic of Tajikistan.
3. Issuance of licenses is carried out in compliance with provisions of the general part of this Regulation.

#### **Chapter 47. Specifics of licensing private veterinary activity**

1. Licensable type of activity: private veterinary activity.
2. Private veterinary activity includes:
  - private therapeutic, surgical, obstetric and gynecological activity;
  - production and marketing of biological preparations, veterinary pharmaceuticals, feeding stuffs and supplement feeds.
3. Licensing authority: Ministry of Agriculture of the Republic of Tajikistan.
4. Additional documents for issuance of a license:
  - opinion of authorities in the sphere of sanitary and epidemiological supervision about compliance of buildings (industrial, storage, office, etc), facilities, equipment, and engineering procedures with sanitary standards and rules;
  - opinion of fire inspection authorities about compliance of buildings (industrial, storage, office, etc), and equipment with requirements for implementing respective type of activity;
  - information about production and technical facilities;
  - opinion of appropriate bodies of the interior and health care of the Republic of Tajikistan about technical condition of premises for storage of potent agents and equipment of those premises with security alarm system;
  - state registration certificate for veterinary pharmaceuticals issued by the State center for expertise and certification of pharmaceuticals, medical equipment, medicinal and sanitary products, healthful and dietary meals, food supplements and cosmetics under the Ministry of Health of the Republic of Tajikistan;
  - document certifying higher education or secondary veterinary education of the staff.

#### **Chapter 48. Specifics of licensing activities for production of tobacco goods**

1. Licensable type of activity: production of tobacco goods.

2. Licensing authority: Ministry of Agriculture of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

- works certificate;
- opinion of sanitary and epidemiological supervision authorities;
- opinion of fire inspection authorities;
- certificate of product compliance with safety standards issued in accordance with the established procedure by certification and metrology authorities;

4. Additional licensing requirements and conditions:

- compliance with processing procedures;
- compliance with rules of labeling and marketing rules;
- ownership or any other legal use rights of licensee with regard to fixed assets (capital), buildings, structures, equipment, premises including quality control laboratory for carrying out the respective activity;
- compliance of the processing equipment with requirements for production of tobacco goods.

#### **Chapter 49. Specifics of licensing activity for provision of remunerated legal services**

1. Licensable type of activity: provision of remunerated legal services.

2. Activity for provision of remunerated legal services includes:

- provision of remunerated legal services by virtue of implementing advocacy activities (attorney at law);
- provision of other remunerated legal services apart from representation of natural and legal persons in law enforcement authorities and courts;

3. Licensing authority: Ministry of Justice of the Republic of Tajikistan.

4. Additional documents for issuance of a license:

1) For natural persons:

- a copy of diploma of higher legal education;
- duly authenticated copy of a work book attesting to at least one year of working experience in the legal field;

2) For legal persons:

- personal employment history for the head and legal staff of the legal person;



- authenticated copy an evaluation report or certificate of passing qualification examination;
- at least three lawyers with higher legal education on staff of the legal person.

## **Chapter 50. Specifics of licensing educational activities**

1. Licensable type of activity: educational activity (educational organizations and institutions implementing educational programs of all stages of secondary, higher, post-graduate professional and respective extended education including extension to complete secondary education as well as child preschool and instructional institutions).

2. Licensing authority: Ministry of Education of the Republic of Tajikistan

3. Licensing of educational organizations and institutions, self-sustaining lycees, gymnasia, boarding schools, colleges, schools of nation-wide coverage, higher and secondary professional schools, postgraduate (residency) schools, doctorate research, institutes for advanced vocational training and retraining, technical lycees, professional technical schools, research educational organizations and institutions, joint, international educational organizations and institutions and those established by foreign citizens, is carried out by the attestation authority for educational institutions under the Ministry of Education of the Republic of Tajikistan.

4. Licensing of activities for branches of higher educational institutions from the member-countries of the Commonwealth of Independent States, states parties to the Agreement on Customs Union and Single Economic Area, is carried out in accordance with procedures prescribed by the law of the country of the founding educational institution with due regard for the legislation of the Republic of Tajikistan.

5. Licensing of non-governmental preschool organizations, out-of-school instructional centers, boarding schools, lycees, gymnasia and other non-governmental educational organizations located in regions, cities and districts (with exception of organizations and institutions listed in paragraph 3 of this chapter) is carried out respectively by departments or divisions of education of the regions, cities and districts.

6. The license gives the right to carry out educational work only for those areas, disciplines, levels, training time, forms of education, number of students and other specifics that are indicated in the annex to that license.

7. The following activities are not subject to licensing:

- educational activity in the form of one-time lectures, apprenticeships, workshops and other types of education that does not involve final certification and issuance of documents certifying education and/or qualifications;

- educators' self-employment activity including activity in the field of professional training.

8. Licensing of educational activity of religious education organizations (clerical education), educational institutions of religious organizations (associations) is carried out by appropriate licensing authorities depending on the level of implemented educational curricula.

9. License to carry out educational activity has an attachment containing:

- a list of educational curricula, fields and disciplines of training, for which the right to carry out educational activity was granted, their level (grades) and set time-limits for mastering them;
- qualification that will be awarded upon completion of education to graduates of the educational organizations;
- acceptability requirements and maximum permissible number of students, educatees calculated based on standards for full-time study courses.

10. Additional documents for issuance of a license:

- application containing a list of educational curricula, fields and disciplines of training;
- an educational institution of professional education submits an excerpt from a decision of the academic (teachers') council on the possibility to organize training in line with the basic and additional curricula of professional education declared for licensing; professional religious educational organizations and institutions (engaged in clerical education) and those established by a religious organization (association) submit an application from the leadership of the respective confession;
- an organization that has an educational branch providing professional training must additionally submit a copy of duly approved statutes of that branch;
- information about organizational structure of the license applicant, staffing arrangements, envisaged number of trainees, educatees;
- information about buildings and premises, facilities for physical fitness and sports, basic military training, dormitories, about provision of food and medical care to trainees, educatees and staff along with documents corroborating the right of the license applicant to own, use and dispose of the necessary educational facilities within the duration period of the license;
- opinion of the state sanitary and epidemiology supervision authorities of the Republic of Tajikistan and the State Fire Inspection about suitability of the used buildings and premises for implementing educational activities;
- information about availability of training literature and basic material resources;
- information about availability of staff for the training activity, qualification of the training staff and conditions of their employment (for license applicants intending to provide training at the level of post-graduate educational curricula - information about research supervisors);
- agreement and decision of public education management authorities of the founding institution host country and the country where the branch of that higher educational institution is to be located (for branches of higher educational institutions of member countries of the Commonwealth of Independent States);
- training plans and programs for the implemented professional education curricula;
- conclusion of the Committee on Religious Affairs under the Government of the Republic of Tajikistan for professional religious educational organizations and institutions (engaged in clerical training) and those established by a religious organization (association).

11. To obtain a license, educational organizations of secondary, higher and extended professional education and their branches using distance learning technologies must submit the following documents along side with those indicated in paragraph 10:

- general information about the educational organization, its branches and representation offices;
- training plans and programs for the implemented professional education curricula of distance learning;
- information about availability of modern information technology resources;
- information about availability of specialized laboratories, lecture halls, classrooms and publishing facilities;

12. The licensing commission, having analyzed the submitted documents, carries out an on-site experts examination of facilities, staffing, research, scientific methodological, and financial capacity, availability of literature, training professional curricula, preparedness of the educational organization to receive trainees and students.

13. The licensing commission carries out an analysis of the main areas of activity of the educational organization and institution, determines their compliance with the existing standards and on its basis submits a conclusion (favorable or unfavorable) to the attestation authority for educational institutions under the Ministry of Education of the Republic of Tajikistan or to regional, city, district departments (divisions) of education.

14. Decisions on issuance or refusal of license are taken by licensing authority on the basis of conclusion of the licensing expert commission and decision of the council of attestation authority for educational institutions under the Ministry of Education of the Republic of Tajikistan, regional, city, district departments (divisions) of education. Once the process is completed an appropriate document is drawn up.

15. The decision of the attestation authority of educational institutions under the Ministry of Education of the Republic of Tajikistan and draft order on issuance of the license is submitted to the Minister of Education of the Republic of Tajikistan whereas the decision of the Council for attestation of educational institutions under the Ministry of Education of the Republic of Tajikistan and regional, city, district department (division) of education is submitted to the head of the respective department or division of education. Upon approval of the Council's decision and signing of the order by the Minister of Education of the Republic of Tajikistan, head of the department or division of education, the educational organization and institution is issued the license with an attachment.

16. Licensing of activities of an educational institution for educational curricular newly introduced in it is carried out irrespective of the fact that it may already hold a license for educational activity for other educational curricula. In this case the licensee submits applications and documents from the list contained in paragraph 10 of this chapter, the exact list of documents is to be determined by the licensing authority.

The list of new educational curricula is included into the attachment to the existing license.

17. The licensing authority has the right to suspend a license completely or with regard to carrying out educational activity under certain educational curricula listed in the attachment to the license.

## **Chapter 51. Specifics of activity related to turnover of precious metals and stones**

1. Licensable type of activity: activity related to turnover of precious metals and stones (processing of scrap and scrap wastes of precious metals into final output, refining of precious metals, recuperation of precious stones, purchasing from the population of jewelry and other household goods made of precious metals or stones as well as scrap of such goods, wholesale and retail activity, banking operations with precious metals and stones).

### 2. Licensing authorities:

Ministry of Industry of the Republic of Tajikistan for licensing processing of scrap and diet of precious metals into final output; refining of precious metals; recuperation of precious stones;

Ministry of Finance of the Republic of Tajikistan for licensing purchasing from the population of jewelry and other household goods made of precious metals or stones as well as scrap of such goods, wholesale and retail activity;

National Bank of the Republic of Tajikistan for licensing banking operations with precious metals and stones.

### 3. Additional documents for issuance of a license:

#### 1) For legal persons:

- copies of documents certifying rights to use the premises where the activity is to be implemented;

- statement from authorities of the interior about security of the working premises and screening of the staff based on the authorization system;

- availability of special scales designed for weighing precious metals and stones and fault-free certificate for the scales;

- availability of equipment and tools required for the work;

- for processing scraps and diets of precious metals: muffle furnaces, drying stoves, safes, and other necessary equipment;

- for recuperation of precious stones: microscope, muffle furnaces, drying stoves, sawing machines and other necessary equipment;

- for wholesale and retail operations: safes, cash-register with fiscal memory;

- purchasing from the population of jewelry and other household goods made of precious metals or stones as well as scrap of such goods: safe, set of test-needles, test reagents, refractometers, hand magnifiers and other necessary equipment;

- statement about professional qualifications of staff of the license applicant.

#### 2) For an individual entrepreneur:

- copies of documents corroborating the right to use the working room where the activity is to be carried out.

- for purchasing from the population of jewelry and other household goods made of precious metals or stones as well as scrap of such goods - availability of equipment and tools, listed in item 4, subparagraph 1, paragraph 3 of this chapter.

4. Additional licensing requirements and conditions for turnover of precious metal and stones:

- state hallmarks on jewelry and other domestic items made of precious metals and stones or certificate of conformity (for wholesale and retail operations);

- availability of appropriate premises and conditions for safekeeping and marketing.

5. Additional licensing requirements and conditions for carrying out banking operations with precious metals and stones:

- availability of premises (depositories) ensuring safekeeping of valuables and conditions required to work with them;

- availability of proper equipment in the bank or non-banking financial organization (availability of weighing instruments and other equipment);

- stable financial position of the bank (non-banking financial organization).

6. The licensing authority, when issuing a licence for processing scrap and diets of precious metals into final output; refining of precious metals; recuperation of precious stones; purchasing from the population of jewelry and other household goods made of precious metals or stones as well as scrap of such goods also has the right:

- to carry out expert examinations to verify on-site compliance of the operational conditions with the established requirements for the licensable types of activity;

- determine the experts composition and their operational procedures to carry out licensing; send experts to carry out on-site expert examinations.

## **Chapter 52. Specifics of licensing activity in the sphere of TV and radio broadcasting and production of audio and visual pieces of work**

1. Licensable type of activity: Activity in the sphere of television and radio broadcasting and audio and visual pieces of work.

2. Activity in the sphere of television and radio broadcasting and production of audio and visual pieces of work includes:

- production of television and radio programs;

- dissemination of television and radio programs;

- production of audio and visual products (production of audio (soundtrack), visual and audiovisual products).

3. Licensing authority: Committee for Television and Radio Broadcasting under the Government of the Republic of Tajikistan.

4. The Committee for Television and Radio Broadcasting can delegate licensing authority to appropriate subordinate divisions.

5. This procedure is fully applicable for carrying out television and radio broadcasting using on-air, cable, wire, satellite, digital, multichannel (multimedia) broadcasting including the Internet, as well as other types of electronic mass media networks as well as for production of audio (soundtrack), visual and audiovisual production on any types of data carriers.

6. This Procedure is applicable to all types and subtypes of activity in the sphere of television and radio broadcasting excluding activities of television and radio organizations established by the Government of the Republic of Tajikistan, and also television and radio broadcasting systems of closed type (industrial, technological, training, research, in-house) except specially designed systems in hotels, hotel complexes, vacation houses, other facilities and organizations intended for collective reception of customers for a fee.

7. Organizers of television and radio broadcasting systems of closed type (industrial, technological, training, research, in-house) operating without a license must forward to the licensing authority a written notice about organization of their system no later than thirty days before operations of their system starts stating the following information:

- person responsible for carrying out such activity;
- coverage area of the system indicating the maximum number of customers;
- approximate theme and specialization of the system.

8. Issuance of a license for activity in the sphere of television and radio broadcasting, in case of limited number of radio frequencies in the required area, is carried out on competitive basis in accordance with the established procedure.

9. To obtain a license an applicant must submit to the licensing authority an application in a special format indicating:

- name of the television and radio organization, its details and information about its symbology (call-sign, emblem, caption card, logo, legal address).
- language (languages) of broadcasting;
- type of broadcasting (television, radio, production of audio, visual, audiovisual products, etc);
- broadcasting frequency (24 hour, day-time, etc - indicating number of hours per day);
- program goals and objectives of broadcasting, approximate theme and specialization of television and radio programs, viewing grid, types of audio and visual products;
- coverage (territory covered with the broadcasting - city, district, etc.) and category of viewers and listeners targeted by the broadcasting or marketing of audiovisual products;
- method of broadcasting (on-air, cable, multimedia, wire, etc.).

10. The following documents must be attached to the application:

- list of utilized engineering equipment for the purposes of television and radio broadcasting, production of audio, and audiovisual products;

- information about the source of financing;
- information about key technical indicators of TV and radio programs preparation aids, and facilities for production of audiovisual products;
- information about licenses obtained earlier by the applicant for television and radio broadcasting operations and about mass media established by the applicant as well as a list of mass media (organizations) where the applicant is involved as a co-founder or a shareholder;
- certificate of compliance of the utilized equipment specifications (parameters) with regulatory requirements;
- data about dissemination of additional and secondary information incorporated into the broadcasting signal.

11. License is not issued in case there is no unassigned broadcasting frequency in the requested area.

12. Dissemination (transmission and retransmission) of programs of foreign television and radio organization on the territory of the Republic of Tajikistan is carried out subject to issuance of an appropriate license and on the basis of interstate agreements on cooperation in the sphere of television and radio broadcasting in accordance with contracts between domestic and foreign television and radio organizations.

13. Television and radio organizations having transmission facilities of their own and holding a license must apply to the Ministry of Communications for issuance of an appropriate license for the use of radio frequencies.

14. Aside from the requirements prescribed by legislative acts of the Republic of Tajikistan related to television and radio broadcasting and other mass media, a license for activity in the sphere of television and radio broadcasting also stipulates the following conditions:

- the licensee (television and radio organization) cannot in the course of its activities change its specialization and scope of broadcasting without prior agreement with the licensing authority;
- the licensee does not have the right to change its broadcasting channel (broadcasting frequency), transmitter capacity, disseminate its television or radio program on the territory exceeding the area indicated in the license;
- dissemination of television and radio programs and audiovisual products of the licensee should be carried out in compliance with the technological requirements;
- the licensee's engineering facilities must not create interference or distortions or any other inconvenience for television and radio audience;
- the licensee does not have the right to broadcast in any language other than indicated in the license;
- the licensee does not have the right to disseminate inside the broadcasting signal any additional and secondary information, unless this is provided for in the license, besides the information related to the content of the main program;
- no latent assignment of a license as well as alienation of a license in the sphere of television and radio broadcasting is permitted.

15. Foreign citizens and stateless persons do not have the right to obtain a license for operations in the sphere of television and radio broadcasting. A license also cannot be issued to television and radio organizations controlled by foreign citizens or stateless persons. In this context control means determinative influence of decision making.

### **Chapter 53. Specifics of licensing public demonstration of motion pictures and video films**

1. Licensable type of activity: public demonstration of motion pictures and video films.

2. Licensing authority: Committee for television and radio broadcasting under the Government of the Republic of Tajikistan.

3. The license is issued in compliance with provisions of the general part of this Regulation.

### **Chapter 54. Specifics of licensing activity in the sphere of postal service**

1. Licensable type of activity: activity in the sphere of postal service.

2. Activity in the sphere of postal service includes:

- reception, handling and forwarding of mail inside the republic as well as international mail (ordinary, registered, insured);

- reception, handling and forwarding of post cards (ordinary, registered);

- reception, handling and forwarding of postal packets (ordinary, registered, insured);

- reception, handling and forwarding of parcels (ordinary and registered);

- reception and forwarding of money remittances (mail, wire);

- reception and forwarding of periodicals (newspapers, magazines, etc.);

- courier services;

3. Licensing authority: Ministry of Communications of the Republic of Tajikistan.

4. The license is issued in compliance with provisions of the general part of this Regulation.



### ***SECTION III. SPECIAL TYPES OF ACTIVITY REQUIRING A LICENSE***

#### **Chapter 55. Specifics of licensing activity of credit organizations (including non-banking organizations)**

1. Licensable type of activity: activity of credit organizations (including non-banking organizations).

2. Activity of credit organizations includes:

- activities of banks and other non-banking financial organizations;
- activity of microcredit depository organizations and microlending organizations.

3. The license lists banking operations and types of activity provided for in article 2 of the Law "On banks and banking activity" and articles 20 and 35 of the Law of the Republic of Tajikistan "On microfinance organizations" that the bank, non-banking organization, microcredit depository organization and microlending organization has the right to implement, as well as the currency in which those operations and types of activity can be implemented.

4. Licensing Authority: National Bank of Tajikistan.

5. Additional licensing requirements and conditions for carrying out activity as a bank, non-banking financial organization, microcredit depository organization and microlending organization:

- compliance of the managing staff with qualification requirements (with exception of microlending organizations);

- satisfactory financial position and no indebtedness of the bank to the budget (with exception of microlending organization);

- complete formation of the minimal authorized capital prescribe by the law for this type of organizations;

- compliance of the building (premises), front office, utilized technical equipment with the requirements established by the National Bank of Tajikistan.

Compliance with qualification requirements of the managing staff of the bank, non-banking financial organization, microcredit depository organization is determined by a qualification commission established and operating in accordance with the procedure determined by the National Bank of Tajikistan.

6. To prove their compliance with the above requirements and conditions the license applicants submit appropriate documents to the National Bank of Tajikistan in addition to the documents indicated in Chapter 7 of this Regulation. To obtain a license to carry out activities as a bank or non-banking financial organization, license applicants submit to the licensing authority a business-plan and report about initial activities in line with it implemented by the founders.

7. For banks, non-banking financial organizations, microcredit depository organizations to be allowed to carry out transactions in foreign currency they must obtain an additional annex to the license and comply with the the following requirements:

- implementation of the operations on the territory of the Republic of Tajikistan for at least one year;
- availability of appropriate specialists (experts) and modern communication equipment;
- break-even operations and compliance with requirements of economic standards established by the National Bank of Tajikistan.

8. Legal persons with participation of foreign capital or branches of foreign legal persons are issued licenses for carrying out activities provided for in this chapter on the basis of the Law of the Republic of Tajikistan "On banks and banking operations" and subject to compliance with requirements listed in this Chapter.

9. Review of application for issuance a license and the documents submitted by the license applicant is carried out by the Department for banking supervision and licensing of the National Bank of Tajikistan. Based on its conclusion the Board of the National Bank of Tajikistan takes the decision on issuance or refusal of license.

10. A licensing fee in the amount of twenty five minimal wages is charged for issuance the license.

## **Chapter 56. Specifics of licensing activity related to protection of state secrets**

1. Name of the licensed type of activity: activity related to protection of state secrets.

2. Licensing Authority: Main department for protection of state secrets under the Government of the Republic of Tajikistan and its territorial branches in Gorno-Badakhshan Autonomous Region, Sughd and Khatlon regions.

3. A license for the above type of activity is issued based on the results of a special expert examination by public authorities and organizations irrespective of form of ownership and certification of their managers, as well as expert examination of hardware, software and other means of information protection and tools to control efficiency of information protection, technical and operational documentation for the means of information protection containing data constituting state secret.

The special expert examination is carried out by the Main department for protection of state secrets under the Government of the Republic of Tajikistan and its territorial branches by means of verifying compliance with regulatory legal acts and guidance documents on secrecy order as well as compliance with other conditions prescribed for issuance of the respective license.

4. Additional licensing requirements and conditions:

- the activity can only be conducted in certified facilities conforming with the standards and rules of technical protection of informational security;
- instruments, engineering and electronic equipment must be certified for compliance and the instruments must also be tested by standardization authorities;
- personnel must be certified and have security clearance for information constituting state secret;

- the licensee must have opinion of sanitary and epidemiological supervision authorities;
  - the licensee must have a certificate of expert's examination issued by the State communications inspection under the Ministry of Communications of the Republic of Tajikistan for stray radiation;
  - the licensee must have a plan of utility network (power supply, communications, water consumption, water disposal, heat supply, fire and security alarm systems, local radio network, etc.).
5. The licensee coordinates its work plan with the Main Department for protection of state secrets under the Government of the Republic of Tajikistan and submits to it progress reports no later than on the 5th day of each month.
  6. Activity related to protection of state secrets for the own needs of an organization of any form of ownership is not licensable.
  7. Should any violations of standards and rules of technical protection of information be identified in the facilities used by the licensee for his activities, the licensee must immediately notify the Main department for protection of state secrets under the Government of the Republic of Tajikistan.
  8. Clearance of officials, citizens of the Republic of Tajikistan, stateless persons and foreign citizens for state secrets is carried out in accordance with procedures established by the legislation of the Republic of Tajikistan.
  9. A licensing fee in the amount of twenty minimal wages is charged for issuance of the license.

## **Chapter 57. Specifics of licensing activity in the sphere of production and turnover of ethyl alcohol, alcoholic beverages and spirit-based goods**

1. Licensable type of activity: activity in the sphere of production and turnover of ethyl alcohol, alcoholic beverages and spirit-based goods.
2. Activity in the sphere of production and turnover of ethyl alcohol, alcoholic beverages and spirit-based goods includes:
  - production, import, export and wholesale trade of ethyl alcohol;
  - production, import, export and wholesale trade of ethyl alcoholic beverages;
  - retail trade of alcoholic beverages (including selling of unbottled beverages);
  - production, import and export of beer;
  - production and wholesale trade of spirit-based goods.
3. Licensing Authority: Ministry of Agriculture of the Republic of Tajikistan.
4. Additional documents for issuance of a license:
  - 1) for producers:

- works certificate;
- opinion of sanitary and epidemiological service;
- opinion of fire inspection authorities;
- certificate of compliance with the product safety indicators duly issued by certification and metrology authorities;

2) for retail trade:

- decision of local executive authorities determining the location for trading alcoholic beverages.

5. Additional licensing requirements and conditions:

1) for producers:

- compliance with processing procedures;
- truthfulness of reports on production, residual stock of ethyl alcohol, alcoholic beverages and spirit-based goods;
- compliance with rules of labeling and marketing rules,
- ownership or any other legal use rights of licensee with regard to fixed assets (capital), buildings, structures, equipment, premises including quality control laboratory for carrying out the respective activity;
- production equipment must comply with requirements for production of beer, wine, champagne, distilled and cognac beverages, ethyl alcohol and other spirit-based goods;
- availability of metering devices installed in certain places of processing line to record for taxation purposes the output volume;
- compliance with the state standards and regulatory technical conditions;
- use of ethyl alcohol for its intended purpose;
- carrying out of the licensable type of activity from the moment of issuance of the license;

2) for retail trade of alcoholic beverages:

- certificate of compliance for the traded alcoholic beverages;
- excise duty stamps for the alcoholic beverages;
- ownership or other legal rights to use the trade facilities: premises, shops, stalls, warehouses, outlets or stationary public catering establishments;
- conditions of the trade facilities ensuring safety of environment, health and life safety of citizens and guaranteeing quality of traded alcoholic beverages;
- availability of invoices;

- trading of alcoholic beverages with excise duty stamps.

6. A licensing fee in the amount of seventy six minimal wages for each year of the license period is charged for issuance of a license to organization engaged in production and turnover of ethyl alcohol, alcoholic beverages and spirit-based goods irrespective of forms of ownership. A licensing fee in the amount of twelve minimal wages for each year of the license period is charged for issuance of a license to organizations (irrespective of organizational and legal form) and individual entrepreneurs engaged in retail trade of alcoholic beverages and spirit-based goods.

## **Chapter 58. Specifics of licensing activity in the sphere of telecommunications**

1. Licensable type of activity: activity in the sphere of telecommunications.

2. Licenses to carry out a certain type of activity in the sphere of communications can be standard and individual.

1) A standard license includes:

- personal global satellite communication services;
- long-distance telephone communication services through operators' networks;
- international telephone communication services through operators' networks;
- trunk communication services (with differentiation per each standard);
- telematic services (excluding Voice over IP) according to recommendations of the International Telecommunications Union for telematic services (ITU-T) through operators' networks;
- data transmission services (including telegraph communications and Voice over IP) through operators' networks;
- services for manufacturing, production and installation of networks, systems and devices for telecommunications, radio communications, radio broadcasting and television;
- connection, putting in operation and maintenance of mini telephone exchanges;
- connection, putting in operation and maintenance of radioelectronic devices (radio stations, satellite and radio telephones, earth stations and radio modems, etc.).

2) Individual license includes:

- design, construction and operation of communication networks and devices (including provision to users communication channels and links);
- local telephone communication services;
- long-distance telephone communication services;
- international telephone communication services;
- data transmission services (including telegraph communications and Voice over IP);

- mobile cellular public communication services with differentiation per each standard;
- radio cell-call services;
- services for provision of networks for dissemination of television and radio programs.

3. Licensing Authority: Ministry of Communications of the Republic of Tajikistan.

4. In addition to information listed in paragraph 1, chapter 3 of the general part of this Regulation, the license form should also indicate:

- the license category (standard or individual);
- telephone and fax numbers, e-mail addresses;
- licensed territory.

5. A standard license contains the following additional requirements and conditions:

- type of activity in the sphere of communications that is allowed under the license;
- territory where the licensable activity is allowed;
- license duration;
- reporting procedures and deadlines in accordance with the format established by the licensing authority for the licensee's activity;
- procedures and deadlines for quarterly payment of licensing fees for issuance of the license;
- ensuring certification of the technical facilities in accordance with the procedure established by the legislation of the Republic of Tajikistan;
- ensuring compliance with the established quality standards for the provided services in accordance with the licensable type of activity;
- informing users about procedures for provision of services, tariffs and reference information, inter alia, through mass media;
- ensuring confidentiality of telephone calls, telegraph and other messages transmitted through communication networks, information security including security and protection of communication facilities and structures;
- provision of requested information about the licensee's activity.

6. The licensee must start provision of services no later than three months after issuance of the license.

7. The licensee must submit on a quarterly basis and no later than on the 10th day of the first month of the next quarter financial and statistical information in accordance with the formats established by the licensing authority.

8. The licensee must ensure confidentiality of messages transmitted through its network as well as any other information pertaining to them except as otherwise provided for by the legislation of the Republic of Tajikistan.

9. The licensee must ensure availability of the license copies at facilities and user service points.

10. The licensee, upon request of the licensing authority must provide information about the status, conditions and scope of provided services within the deadlines determined by the licensing authority.

11. An individual license contains the following conditions:

- type of activity in the sphere of communications that is allowed under the license;
- territory where the licensable type of activity is implemented;
- technical specifications of equipment (norms and standards), means of communications used for establishment of network and facilities;
- dedicated nominal or bands of radio frequencies (numbers of television channels, industry standard description of mobile radio communications or wireless access, etc);
- reporting procedures and deadlines in accordance with the format established by the licensing authority for the licensee's activity;
- procedures and deadlines for payment of quarterly licensing payments for issuance of the license;
- organization plan and projections for the network development (expansion of coverage area, increasing capacity of transmitter, number of customers, etc);
- ensuring certification of technical facilities in accordance with procedures prescribed by the legislation of the Republic of Tajikistan;
- ensuring the established quality standards for provided services;
- arrangements for connecting the licensee's network to the public network;
- arrangements for transmission of long-distance and international telephone traffic, use of telephone codes and numbering scheme;
- requirements for ensuring operation of communication facilities in the interest of security and defense capacity of the country, law enforcement authorities, and during important social and political events, including technical support for operational search systems;
- procedures for use of the dedicated nominal or bands of radio frequencies;
- informing users about procedures for provision of services, tariffs and reference information, inter alia, through mass media;
- ensuring confidentiality of telephone calls, telegraph and other messages transmitted through communication networks, information security including security and protection of communication facilities and structures;
- preparation and operation of communication networks in emergency situations;
- design and construction of communication networks, facilities and structures;

- ensuring interaction with the technical supervisory control system;
- provision of requested information about the licensee's activity;
- technical estimation of an authorized body about network operation, its expansion and putting new equipment in operation;
- provision of access to the public network on a fair and non-discriminatory basis.

12. The licensee is allowed to station its technical facilities in appropriate locations, install and operate cable and radio relay lines and support equipment to connect base stations with its switching network equipment and communications interface points with any other communication networks subject to agreement with the concerned parties.

13. The licensee must submit on a quarterly basis and no later than on the 10th day of the first month of the next quarter financial and statistical information in accordance with the formats established by the licensing authority.

14. The licensee must ensure provision of communication services in accordance with the network development plan.

15. The licensee must ensure confidentiality of messages transmitted through its network as well as any other information pertaining to them except as otherwise provided for by the legislation of the Republic of Tajikistan.

16. The licensee must ensure availability of the license copies at facilities and user service points.

17. When expanding the network and putting new equipment in operation the licensee must obtain an appropriate permission and technical opinion from the authorize body.

18. Upon request of the licensing authority the licensee provide information about status, conditions and scope of provided services within the deadlines established by the licensing authority.

19. The licensee must use equipment complying with international standards and having compliance certificates issued by authorized certification bodies of the Republic of Tajikistan.

20. The licensee must provide quality cellular communication services with no more than 5% of downtime. The licensee must provide to the licensor information about the number of failures on a monthly basis.

21. The licensee must start provision of services no later than three months after issuance of the license.

22. The licensing authority will introduce changes into the licensing conditions in connection with establishment of new standards, regulations and rules of operation of telecommunication networks.

23. The licensing authority informs the licensee about the timeframe for enactment of those changes and about procedures for implementing the new conditions.

24. Upon application from the license applicant an individual license can be issued for the period from 3 to 7 years; a standard license is issued for the period from 3 to 5 years.



25. No license is required:

- if the activity is related to recovery operations after disasters, epidemics, major accidents endangering life and health of the population and requiring rescue and accident recovery works;
- when establishment and operation of communication systems is intended to be used exclusively for the purposes of state governance, defense, security and law enforcement;
- in case of establishment of in-house communication networks.

26. Activity in the sphere of communications for which a license is issued can be carried out on the entire territory of the Republic of Tajikistan unless indicated otherwise in the application of the license applicant and also subject to availability of radio frequencies and numeration resources and technical capacity for connectivity with the existing networks.

27. To obtain an individual license the license applicant submits the following additional documents:

- a list of technical communication facilities indicating their specifications, bands and radio frequency nominals (if they are used);
- program for organization of the communication network and projections for the network development indicating the number of customers, volume of traffic going through long-distance, international exchanges, systems and data transmission networks, coverage areas, and also technical characteristics of specific networks or communication facilities;
- documents confirming capacity of the license applicant to comply with the licensing conditions;
- feasibility report on implementation of the activity in the sphere of communications;
- explanatory note mainly clarifying such technical issues as the main principles and communication organization diagram, nature of the used equipment and provided services, as well as technical and economic indicators (incomes, expenses, revenues of the enterprise, payback time);
- opinion of appropriate authorities in charge of use and control of radio frequencies in the Republic of Tajikistan regarding the possibility of allocating frequencies and issuing licenses for using radio electronic equipment;
- in case it is envisaged to use equipment owned by another person, documents are submitted proving lease (use right) of this equipment. The proof can be submitted in the form of a contract or its duly authenticated copy.

28. To obtain a standard license the licensee applicant submits to the authorized body the documents in accordance with paragraph 1 chapter 7 of the general part of this Regulation.

29. A license is not issued if implementation of a certain type of activity is prohibited by regulatory legal acts of the Republic of Tajikistan for the specific category of entities or communication systems and services; if there is a technical constraint or radio frequency restriction, insufficient numeration sources and also if the application was submitted for provision of services that are temporarily restricted by the legislation of the Republic of Tajikistan.

30. A license in the sphere of telecommunications can be issued on competitive basis in accordance with the procedure established by the legislation of the Republic of Tajikistan.

31. A quarterly licensing fee in the amount of 1% of the licensee's incomes is charged for issuance of a license in the sphere of telecommunications. The fee is transferred to the state budget and is used for financing operations of the licensing authority and its equipment with modern measurement instruments and devices.

#### **Chapter 59. Specifics of licensing stock-exchange activity**

1. Licensable type of activity: stock-exchange activity.
2. Licensing Authority: Ministry of Finance of the Republic of Tajikistan.
3. Additional documents for issuance of a license:
  - rules of exchange trade;
  - document confirming payment to the registered capital of the exchange of no less than 30% of the declared amount;
  - document corroborating the right to use the respective premises for bidding.
4. Additional licensing requirements and conditions.
  - compliance with the rules of exchange trade;
  - availability of appropriate buildings for conducting exchange trade.
5. The licensee submits on a quarterly basis information about its performance to the licensing authority.
6. A licensing fee in the amount of ten minimal wages is charged for issuance of the license.

#### **Chapter 60. Specifics of licensing private insurance activity**

1. Licensable type of activity: private insurance activity.
2. Private insurance activity includes:
  - 1) life insurance - conclusion and execution of insurance contracts with the tariff rates calculated based on actuarial methods and with the use of mortality table and rate of return on investment of temporarily surplus funds out of life insurance reserves. It envisages payment of insurance money in the following cases:
    - death of the insured person;
    - survival of the insured person until completion of insurance period or until the age stipulated in the insurance contract;
    - payment of income/rent (pension) to the insured person upon completion of insurance period, survival of the insured person until a certain age, as well as regular payments (annuities) during the period of insurance;

2) personal accident and sickness insurance - conclusion and execution of insurance contracts for payment of a fixed sum of money or partial or full compensation of additional expenses (or a combination of both) in case of personal injury (sickness) of the insured person to that insured person or to another person for whose benefit the insurance contract was made:

- personal injury as a result of an accident or sickness or specific type of an accident;

- disability as a result of sickness or an accident or a specific type of sickness (excluding contracts related to health insurance) including contracts regarding employment injuries and professional diseases;

- death of the insured person as a result of an accident;

3) voluntary health insurance - conclusion and execution of insurance contracts providing for payment of insurance proceeds to cover, partially or in full, expenses of the insured person for treatment beyond the programs envisaged by the mandatory medical insurance;

4) medical insurance of tourists - insurance of medical expenses as a result of an accident or sudden sickness of citizens traveling abroad, arriving in the Republic of Tajikistan or traveling through the Republic of Tajikistan;

5) in case of property insurance licenses are issued for the following types of insurance activity:

- insurance of ground means of conveyance - insurance against damages or detriment to ground means of transportation;

- insurance of airlift assets - insurance of airplanes, including engines, interior furnishing, furniture and equipment of airplanes, etc;

- insurance of water-borne means of transport - insurance of vessels used for navigation in seas and inland waters including engines, rigging, interior furnishing, furniture, equipment of vessels, etc;

- insurance of freight transportation - insurance against damages or detriment to transported freights irrespective of the form of transport;

- insurance of property against fire and other hazards - insurance against damages or detriment to property other than property listed in items one, two, three and four of this paragraph as a result of fire, storm, explosion, surface (soil) subsidence, impact of nuclear energy and other elements;

- insurance against commercial and financial risks - conclusion and execution of insurance contracts of the following types:

  - risks of the insured persons arising as a result of bankruptcy of their debtors or incapacity (insolvency) of the debtors to repay their debts within the timeframe agreed by the parties;

  - risks of losses incurred by the insured persons related to disruption of their business activities or reduction in the volume of their business operations;

  - risks of losses incurred by the insured persons related to arising contingencies;

risks not covered by items one, two and three of this paragraph or events that do not constitute risks and therefore conclusion and execution of insurance agreements against them constitute another type of insurance activity;

- insurance against risks of legal expenses including costs of litigation;
- other types of property insurance except those listed in items of this paragraph;

b) in liability insurance licenses are issued for the following types of insurance activities:

- civil liability insurance of vehicle owners - conclusion and execution of insurance contracts against damages and detriment arising from use of ground transportation vehicles and related to the liability of the vehicle owner to compensate, in accordance with the procedures established by the civil legislation of the Republic of Tajikistan, losses inflicted by him on third parties.

- liability insurance of aircraft owners - conclusion and execution of insurance contracts against damages and detriment arising from use of aircraft and related to the liability of the aircraft owner to compensate, in accordance with the procedures established by the civil legislation of the Republic of Tajikistan, losses inflicted by him on third parties.

- liability insurance of owners of water-borne means of transport - conclusion and execution of insurance contracts against damages and detriment arising from use of vessels and related to the liability of the owner of the water-borne means of transport to compensate, in accordance with the procedures established by the civil legislation of the Republic of Tajikistan, losses inflicted by him on third parties.

- professional liability insurance - conclusion and execution of contracts for insurance of a natural person's property interests related to the liability of the insured person to compensate, in accordance with the procedure established by the civil legislation of the Republic of Tajikistan, damages inflicted on third parties in the course of implementing by the insured person his professional activity:

notarial;

medical;

other types of professional activity;

- liability insurance of enterprising constituting sources of increased danger - insurance of property interests of a person for whose benefit the insurance contract was made related to the liability of that person to compensate, in accordance with the procedure established by the civil legislation, damages inflicted on the environment and third parties;

- insurance of other types of liability - risk insurance of persons insured against liability to third parties arising from risks other than those listed in this paragraph.

3. Licensing Authority: Ministry of Finance of the Republic of Tajikistan.

4. Additional documents for issuance of a license:

- feasibility analysis of activities of the insurance organization indicating ways to achieve goals envisaged in the constituent documents;

- conditions and rules of insurance;
- information about insurance tariffs;
- information about shareholders of the insurance organization in possession of 10 and more percent of shares of that insurance organization;
- membership list of the management body, including surnames, names, patronymics and addresses of the members as well as information about their compliance with requirements of reliability and the established qualification requirements.

5. To obtain a license to carry out insurance activities, an insurance company established with foreign investment must submit to the licensing authority the following additional documents:

1) foreign insurance company:

- decision of appropriate body of the foreign insurance organization about its participation in establishment of an insurance organization on the territory of the Republic of Tajikistan;
- letter of confirmation from an authorized body of the relevant foreign country ascertaining that the foreign insurance company is a holder of a valid license to carry out insurance activities and indicating types of insurance activities. The document must be duly legalized;
- officially published balance-sheets for the three previous years;

2) foreign citizens:

- bank statement or another official documents corroborating financial soundness of the individual entrepreneur.

6. Additional licensing requirements and conditions:

- implementation of the types of insurance activity provided for in the license;
- compliance with the rules related to formation and use of premium reserves and authorized fund;
- no reduction or increase of insurance tariffs can be made without approval of respective authorities;
- discharge of obligations vis-a-vis policy holders by the insurer;
- timely submission of information about changes introduced in the constituent documents.

7. A license fee in the amount of ten minimal wages is charged for issuance of the license.

## **Chapter 61. Specifics of licensing activities of professional securities market participants**

1. Licensable type of activity: professional activity of securities market participants.
2. Licensing Authority: Ministry of Finance of the Republic of Tajikistan.
3. Managers and specialists must meet the following qualification requirements:

- higher education - for the head of a legal person or individual entrepreneur.
- higher or secondary specialized education for specialists.

4. Additional documents for issuance of a license:

- documents corroborating sufficiency of equity capital.

When equity capital is formed of non-cash assets an estimate of independent valuers is submitted;

- information about specialists who have qualification certificates.

5. In case when an investment fund acts as a licence applicant, the following documents must be submitted to the licensing authority in addition to the documents listed in paragraph 4 of this chapter:

- a copy of depositary contract;
- a copy of contract with the executive body of the joint-stock investment fund on management of the joint-stock investment fund:
  - if the executive body is an external one - a copy of contract with the managing company;
  - when the executive body is internal one and if a contract is made with it - a copy of contract with the board members or with the director general.

6. A license applicant carrying out depositary activity must submit the following documents in addition to those listed in paragraph 4 of this chapter:

- information about its technical equipment including description of makes and models of the used computers and description of software;
- information about reconciliation of the clients' data on holdings of securities with the special registrar or the central depositary data;
- information about conditionalities for shares and share certificates;
- information about the existing security system, i.e. installation of a security alarm, combination locks, protection of computer equipment;
- information about the existing communication system between branches of the depositary, the depositary and other market participants;
- information about conditions of computer information security and integrity;
- data about information storage systems including methods for storage of depositary records used by the depositary to carry out its depositary activity;
- information about security and coverage guarantee for compensation of client's losses.

7. In case the license applicant is planning to maintain a register of security holders, the following documents must be submitted to the licensing authority in addition to those listed in paragraph 4 of this chapter:

- data about information storage systems used by the special registrar to maintain the registers and about back-up systems at disposal of the special registrar;

- if the register maintenance is computerized, description of computer makes and models and description of the used software should be provided.

8. In order to organize an agency business on the securities market, the following documents must be submitted in addition to those listed in paragraph 4 of this chapter:

- rules of security trading;
- procedures for information storage and protection;
- listing and delisting rules;
- procedures for information disclosure;

9. Additional licensing requirements and conditions:

- operations with securities should be carried out in accordance with the established rules;
- submission of reports on activities in the security market to the licensing authority;
- carrying out security transactions during one year from the moment of obtaining the license;
- carrying out transactions that are not prohibited by the legislation of the Republic of Tajikistan.

10. A licensing fee in the amount of twenty five minimal wages is charged for issuance of the license.

## **Chapter 62. Specifics of licensing activity for carrying out international automobile transportation of passengers and freights**

1. Licensable type of activity: carrying out of international automobile transportation of passengers and freights

2. Licensing Authority: Ministry of Transport of the Republic of Tajikistan.

3. Additional documents for issuance of a license:

1) Driver's documents:

- foreign passport;
- international driver's license;
- certificate of registration of the transportation vehicle on the territory of the Republic of Tajikistan;

- a TIR Carnet completed and executed in accordance with the International TIR Carnet Customs Convention on Highway Carriage (hereinafter "TIR Convention") in case when transportation is carried out under TIR Carnet;

2) Shipping documents in case of international automobile transportation of freights:

- certificate of admission of the transportation vehicle for international transportation of freights under customs stamps and lead seals in accordance with requirement of the 1975 TIR Convention;

- international consignment note (CMR) in case the transportation is carried out under the TIR Carnet system;

4. Additional licensing requirements and conditions:

- compliance of the transporter with the established requirements for carrying out international automobile transportation of freights and passengers;

- compliance of the transportation vehicle technical condition with the international standards and requirements;

- compliance with conditions for international automobile transportation of freights and passengers, traffic rules and environmental standards of foreign countries.

- availability of freight documents.

5. A licensing fee in the amount of twenty five minimal wages is charged for issuance of the license.

**Chapter 63. Specifics of licensing activities in the sphere of using orbital frequency resources and radio frequencies for carrying out television and radio broadcasting**

1. Licensable type of activity: use of orbital frequency resources and radio frequencies for carrying out television and radio broadcasting (including broadcasting of additional information).

2. Licensing Authority: Ministry of Communications of the Republic of Tajikistan.

3. The license is issued in compliance with provisions of the general part of this Regulation.

4. Listed below are the amounts of the licensing fee charged for issuance of the license:

1) For radio transmitters:

- with capacity of up to 30 Watts - a fee in the amount of ten minimal wages;

- with capacity from 30 to 100 Watts - a fee in the amount of thirty minimal wages;

- with capacity from 100 to 1000 Watts - a fee in the amount of eighty minimal wages;

- with capacity from 1000 to 5000 Watts - a fee in the amount of two hundred minimal wages;

- with capacity of more than 5000 Watts - a fee in the amount of four hundred minimal wages;



2) For television transmitters:

- with capacity of up to 100 Watts - a fee in the amount of sixty minimal wages;
- with capacity from 100 to 1000 Watts - a fee in the amount of two hundred minimal wages;
- with capacity from 1000 to 5000 Watts - a fee in the amount of five hundred minimal wages;
- with capacity of more than 5000 Watts - a fee in the amount of one thousand minimal wages;

#### **Chapter 64. Specifics of licensing activities in the sphere of natural resources utilization, including subsoil resources, forest fund, flora and fauna resources**

1. Licensable type of activity: utilization of natural resources including subsoil resources, forest fund, flora and fauna resources.

2. Activity in the sphere of subsoil resources utilization includes:

- geological survey, including prospecting, valuation and exploration of mineral deposits and other geological studies;
- mining operations;
- utilization of industrial wastes from mining of minerals and their processing;
- use of common underground resources;
- collection of mineralogical, paleontological and geological materials.

Note: Activity for extraction of underground water is carried out on the basis of permit for special water use.

3. Use of forest fund, flora and fauna resources includes the following types of work:

- collection and processing of turpentine (gum, sap), medical herbs;
- use of fauna and flora resources listed in the Red Book of the Republic of Tajikistan.

4. Licensing Authority:

Government of the Republic of Tajikistan (implementing licensing authority - Main Geological Board under the Government of the Republic of Tajikistan (Geologiyai Tojik) for prospecting, valuation and exploration of subsurface resources and collection of mineralogical, paleontological and geological materials; Ministry of Energy of the Republic of Tajikistan for extraction of oil, gas and coal; Ministry of Industry of the Republic of Tajikistan for utilization of other mineral and non-mineral subsoil resources, including utilization of industrial wastes from mining of minerals and their processing;

Ministry of Industry of the Republic of Tajikistan for use of common underground resources;

State Committee for Protection of Environment and Forestry of the Republic of Tajikistan for use of forest fund, flora and fauna resources.

5. Additional documents for issuance of a license:

- agreement of local governance authorities;
- certificate of technological, technical and staffing capacity, excluding individual gold miners;
- statement about technical and economic performance over the last 5 years, excluding those who start subsoil use activities for the first time and individual gold miners;
- statement about previous geological studies of the licensed subsoil plot;
- business-plan for development of the licensed subsoil plot, excluding individual gold miners;
- contract for supplies of the extracted mineral resources or marketable end product in case of mining of precious metals and stones with a specially authorized body for replenishment of the State Fund of precious metals and stones of the Republic of Tajikistan.

6. No license is required to carry out regional geologic and geophysical works, geologic survey, prospecting and exploration works funded by the state budget, geotechnical investigations, scientific research, paleontological and other works aimed at general studies of subsurface resources, geological works for forecasting of earthquakes, establishment and implementation of environmental monitoring system, control of ground water dynamics, as well as other works implemented without significant displacement of subsoil resources. The above works are registered in accordance with the established procedure at the State Fund of Geological Information of the Republic of Tajikistan under the Main Geological Board under the Government of the Republic of Tajikistan "Geologiyai Tojik".

The right to carry out geological survey, prospecting, exploration and valuation of mineral deposits is used for geological studies of subsurface resources.

In case the size of natural deposit identified in the process of prospecting and valuation exceeds the boundaries of the geological allotment provided under the license, the plot allocated to the licensee can be extended, upon his application, so as to include the entire deposit.

Upon completion of the state expertise of geological information regarding mineral reserves in the plot covered by the license for geological studies of subsurface resources, the license holder who financed geological prospecting at its own expense shall have the priority right for obtaining a license for mining of the mineral resource. This right becomes void if it has not been used within two years after confirmation of mineral reserves of the prospected deposit.

Mining of the mineral resource in the deposit, at the same time, gives the right to prospecting of that deposit (within the limits of the allotment) and to recycling of wastes of mining enterprises and related processing industries.

The license can be issued for development of the entire mineral resource deposit or its certain part. Development of one deposit of a mineral resource by different subsoil users must be carried out according to an agreed process chart excluding irrational use of subsoil resources. Coordination of subsoil users' activities is delegated, upon their decision, on one of the enterprises which is

entrusted by the other enterprises with performing coordination functions. The above condition is included into the license for development of that deposit.

As a rule a license is issued for use of only one deposit. In exceptional cases one license can be issued for use of a group of small deposits having similar mining and geological conditions that were joined together for consolidated development in cases when only consolidated development of those deposits by one subsoil user can be economically cost-effective.

7. A license for subsoil use is issued through a resolution of the Government of the Republic of Tajikistan upon submission of the implementing licensing authority. For common underground resources the decision on granting the license is taken by the Ministry of Industry of the Republic of Tajikistan and the license is issued by that authority.

8. Submissions for issuance of a license for subsoil use shall be agreed upon with the following ministries and agencies:

- for prospecting, valuation and exploration of subsurface resources and collection of mineralogical, paleontological and geological materials - with the Ministry of Economy and Trade of the Republic of Tajikistan, Ministry of Justice of the Republic of Tajikistan, Ministry of Finance of the Republic of Tajikistan and Committee for state supervision over safety of industrial works and mining supervision under the Government of the Republic of Tajikistan;

- for extraction of oil, gas and coal, for use of other mineral and non-mineral subsoil resources, including recycling of wastes of mining enterprises and related processing industries - with the Ministry of Economy and Trade of the Republic of Tajikistan, Ministry of Justice of the Republic of Tajikistan, Ministry of Finance of the Republic of Tajikistan, State Committee for Protection of Environment and Forestry of the Republic of Tajikistan, State Committee for Land Management of the Republic of Tajikistan, State Committee for state supervision over safety of industrial works and mining supervision under the Government of the Republic of Tajikistan and Main Geological Board under the Government of the Republic of Tajikistan "Geologiyai Tojik".

9. According to the license subsoil resources are turned over for utilization in the form of plots representing geometrized blocks of subsoil resources fixed within the boundaries of mining or geological allotment.

10. The right to use a land plot is granted only after obtaining the license and mining allotment in accordance with the procedure prescribed by the legislation of the Republic of Tajikistan.

11. No mining or geological allotment is needed for extraction of mineral resources by individual miners. In this case permission of local governance authorities is required.

12. Amounts of special payments are determined in the Contract on the use of subsoil resources in accordance with procedures established by the Government of the Republic of Tajikistan.

13. License validity periods are determined by the licensing authority in accordance with requirements of the Law of the Republic of Tajikistan "On licensing certain types of activities". The licenses are extended in compliance with provisions of chapter 6 of this Regulation. At the time of the license validity extension the quality and efficiency of work implemented by the subsoil user shall be taken into account as well as activities aimed at conservation of subsoil resources and environment, and timely payment of fees for use of subsoil resources.

14. The license consists of two parts: The title page and contents (conditions) of the license (Annex 2). A document certifying mining or geological allotment issued according to the established procedure is attached to the license.

15. Award of licenses for the right to use subsoil resources is carried out either through direct negotiations or on the basis of competitive bidding in accordance with the established procedure.

16. The competitive (tender) method of license award is chosen whenever there are several applicants for one site.

17. After acceptance of the application the subsoil user is provided with geological background information about the subsoil plot for the applicant enterprise to develop a business plan and feasibility analysis for implementation of works.

18. A license issued for subsoil use must be registered within a month at the State Committee for Protection of Environment and Forestry of the Republic of Tajikistan, State Committee for state supervision over safety of industrial works and mining supervision under the Government of the Republic of Tajikistan and the State Fund of Geological Information of the Republic of Tajikistan, and the complete package of documents is handed over to the licensee for safekeeping.

19. Upon issuance of a license its holder has the right to receive the necessary amount of geological information about the allocated subsoil plot for a fee. If there is no spare copy of the report, a copy of the materials (reports) is produced at the licensee's expense and is handed over to the licensee.

20. Licensing fees for issuance of license for subsoil use is a fixed onetime payment charged in the following amounts:

for geological prospecting, valuation and exploration of subsoil resources - eighty minimal wages;

for compiling collections of mineralogical, paleontological and geological materials - twenty minimal wages;

for extraction of oil and gas - one hundred minimal wages;

for extraction of coal - eighty minimal wages;

for utilization of other mineral resources - one hundred minimal wages;

for utilization of non-mineral subsoil resources - eighty minimal wages;

for utilization of industrial wastes from mining of minerals and their processing - sixty minimal wages;

for use of common underground resources - forty minimal wages;

for extraction of mineral resources by individual miners - sixty minimal wages.

*Note:* For a license to implement activity including several types of work, only one highest fee is charged.

21. The licensee must commence its operations under the license within one year from the date of the license registration.

22. Licenses for use of the forest fund and flora and fauna resources are issued as follows:

- for collection and processing of turpentine (gum, sap), medical herbs - in accordance to the quota to be annually established by the State Committee for Protection of Environment and Forestry of the Republic of Tajikistan;

- for use of flora and fauna resources listed in the Red Book of the Republic of Tajikistan - in accordance to the quota to be annually established by the Government of the Republic of Tajikistan and in compliance with the legislation of the Republic of Tajikistan.

23. The periods and types of procuring fauna resources are to be determined in accordance with the purposes of their use and must not be detrimental to natural breeding of these species in their habitats.

24. Implements and methods used for procurement of animals listed in the Red Book of the Republic of Tajikistan must ensure selectivity of their impact, minimize physical injuries and disturbances of other animals.

25. A licensing fee in the amount of fifty minimal wages is charged for issuance of a license for use of forest fund, flora and fauna resources.

## **Chapter 65. Specifics of licensing activity, works and services in the sphere of atomic energy use**

1. Licensable type of activity: activity, works and services in the sphere of atomic energy use.

2. Activity, works and services in the sphere of atomic energy use includes:

- generation of nuclear energy;
- marketing of nuclear energy;
- use and transportation of nuclear energy sources.

3. Licensing authority: Academy of Sciences of the Republic of Tajikistan.

4. Additional necessary details about operation, production and use of nuclear energy sources are indicated in the license form.

5. Additional documents for issuance of the license:

- opinion of sanitary and epidemiology supervision authorities about suitability of premises and communication systems and special means of transportation used for implementation of the declared types of activity, and availability of protective equipment and covers;

- copies of certificates of compliance issued by certification authorities for the fabricated, generated, used and marketed product and its transportation;

- for foreign citizens - a document confirming nostrification of constituent documents of the license applicant in accordance with the established procedure;

- a copy of an attestation certificate issued by the Agency for Nuclear Energy and Radiological Safety of the Academy of Sciences of the Republic of Tajikistan;

- a statement from a medical institution about mental status of supervisor and implementing staff for this type of work.

6. Additional licensing requirements:

- documents confirming that supervisors and implementation staff meet qualification requirements ensuring completion of the declared types of work.

- availability of facilities meeting sanitary and construction standards and rules established for implementation of those types of activity and availability of specialized equipment and tools.

- attestation certificate issued by the Agency for Nuclear Energy and Radiological Safety of the Academy of Sciences of the Republic of Tajikistan

7. Specialized requirements regarding facilities are established by the existing specialized technical regulations and other regulatory documents approved in accordance with procedures prescribed by the legislation of the Republic of Tajikistan.

8. A licensing fee in the amount of twenty five minimal wages is charged for issuance of the license.

## Annex 1

to paragraph 8, chapter 38 of the Regulation on specifics of licensing  
certain types of activities

Procedures for assigning responsibility levels for implemented works in licensing road  
construction activity

### I. General Provisions

1. Levels of responsibility for implemented works are assigned when a license is issued for road construction activity depending on the licensee's capacity to carry out works of a certain degree of complexity.

2. The following evaluation criteria are used:

- availability of professional staff including those having qualification certificates;
- availability of the necessary machinery, equipment;
- experience and work period;
- organization of quality control;
- mastering of new technologies;
- information support;
- availability of certified testing division;
- certificates of compliance for the products;
- quality system certificates;
- quality of the performed works.

3. The licensee shall have the right to carry out the types of work of the responsibility level that are indicated in the license. Implementation of works at the sites of a higher responsibility level is prohibited. It is allowed to carry out works at the sites of lower responsibility level.

Newly established organizations can obtain a license for implementation of works of no higher than 4th responsibility level.

For implementation of works of 1st, 2nd and 3rd responsibility levels it is imperative that the licensee have as regular staff members engineering technicians with qualification certificates and

qualified workers for all types of works applied for as well as its own machinery, equipment and gear.

Responsibility levels for types of activities and works can be degraded during the license validity period in case of violations of the licensing conditions or upgraded upon the licensee's request subject to favorable experts examination report.

## II. Responsibility levels for road structures and types of work

Road construction works:

1. 1<sup>st</sup> level of responsibility:

- bridges more than 60 meters in length, tunnels and passageways;
- take-off runways of international aerodromes.

2. 2<sup>nd</sup> level of responsibility:

- railways;
- take-off runways of domestic aerodromes;
- automobile roads of 1-2-3 categories and automobile roads of 4- 5 categories in mountainous areas, arterial streets;
- bridges, overhead roads, crossovers with the length of 0-118 up to 60 meters;
- implementation of works in areas with seismicity of more than 9 points, in complicated geotechnical conditions (2<sup>nd</sup> type subsidence, water-bearing, weak soils, landslides, etc).

3. 3<sup>rd</sup> level of responsibility: road construction works that cannot be referred to the 1<sup>st</sup>, 2<sup>nd</sup> or 4<sup>th</sup> responsibility level.

4. 4<sup>th</sup> level of responsibility: driveways, in-farm automobile roads, access roads up to 1 km, pipe-culverts in automobile roads for passing stream flows with the discharge up to 5 m<sup>3</sup>/sec, that are not prone to the risk of mudflows, site improvement works.

Examination of technical conditions of structures and facilities.

5. 1<sup>st</sup> level of responsibility: detailed examination of critical facilities and structures with assessment of their load bearing capacity and seismic resistance, testing of structures, assembly units, parts and research works, development of engineering solutions for their strengthening, rehabilitation and reconstruction.

6. 2<sup>nd</sup> level of responsibility: preliminary examination of structures and facilities with assessment of their physical condition and provision of conclusions and recommendations for reconstruction and strengthening load bearing and enclosing structures.



7. 3rd level of responsibility: operational examination of structures and facilities with assessment of the actual condition and provision of conclusions about the possibility of their further operation and possibility of reconstruction of non-load-bearing structures.

8. 4th level of responsibility: visual examination of structures and facilities with measurement works and drawing up of a fault report for maintenance and capital repair works.

Annex 2 to paragraph 14, chapter 65  
of the Regulation on specifics of  
licensing certain types of activities

Sample of license for use of subsoil resources in the Republic of Tajikistan

COAT OF ARMS

LICENSE

for subsoil use right  
in the Republic of Tajikistan

Issued by the Government of the Republic of Tajikistan

---

(name of the subsoil user)

Object \_\_\_\_\_  
(Name of the facility - mineral product)

For the purposes \_\_\_\_\_  
(licence type)

License duration:

Starting date: " \_\_\_\_ " \_\_\_\_\_

Expiration date: " \_\_\_\_ " \_\_\_\_\_

Series \_\_\_\_\_ N \_\_\_\_\_

On behalf of the Government of the Republic of Tajikistan \_\_\_\_\_

(title)

---

(surname, name, patronymic, signature)

Annex to License Series \_\_\_\_\_ N \_\_\_\_\_

The Government of the Republic of Tajikistan hereby grants the license series \_\_\_\_\_ N \_\_\_\_\_ for the subsoil use right

---

(name of the subsoil user)

---

(type of facility and mineral product)

SS.

## CONTENTS OF THE LICENSE

(license requirements)

1. \_\_\_\_\_

(subsoil user's details)

2. \_\_\_\_\_

(designated purpose of works related to the type of activity)

3. \_\_\_\_\_

(spatial boundaries of the allocated subsoil area)

4. \_\_\_\_\_

(spatial boundaries of the mountainous area)

5. \_\_\_\_\_

(license duration)

6. \_\_\_\_\_

(payments related to subsoil use and use of land plots)

7. \_\_\_\_\_

(mineral raw materials extraction volumes)

8. \_\_\_\_\_

(sharing arrangements for distributed product)

9. \_\_\_\_\_

(right to information received in the process of use of subsoil resources)

10. \_\_\_\_\_

(commitments for rational use, protection of subsoil resources and  
environment,

\_\_\_\_\_

safe execution of works)

11. \_\_\_\_\_

(control arrangements)

12. \_\_\_\_\_

(conditions for extending validity of the license)

13. \_\_\_\_\_

(volumes and types of processing wastes and industrial waste waters  
discharged into subsoil - environmental expertise)

\_\_\_\_\_

14. \_\_\_\_\_

(other conditions)

For Government of the Republic of

Tajikistan \_\_\_\_\_

(title)

\_\_\_\_\_ SS.

(surname, name, patronymic, signature)

" \_\_\_\_\_ "