

Government of the Republic of Tajikistan

RESOLUTION

**On the Approval of the Regulations “On the Peculiarities of Licensing Certain Types of Activities”
(Redrafted)**

**(As in force based on the Resolution of the Government of the Republic of Tajikistan No. 518
from October 1, 2007)**

Pursuant to the Article 43 of the Law of the Republic of Tajikistan “On Normative Legal Acts”, the Government of the Republic of Tajikistan resolves:
The attached Regulations “On the Peculiarities of Licensing Certain Types of Activities” (redrafted).

E. Rahmonov

**Chairman of the Government
Republic of Tajikistan**

**No. 172
April 3, 2007**

GENERAL PART

SECTION I. GENERAL PROVISION

CHAPTER I. GENERAL PROVISIONS

1. These Regulations on the peculiarities of licensing certain types of activities (hereinafter – the Regulations) have been drafted pursuant to the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities”.

2. These Regulations shall govern relations pertaining to the implementation of activities (actions) subject to licensing by relevant licensing agencies.

3. Licenses can be issued by central or territorial structures of the licensing bodies envisaged in the special part of these Regulations.

4. Licenses shall be signed by the head of the licensing body or his/her deputy and sealed. When licenses are issued by the structural departments of the licensing bodies or their territorial structures, they shall be signed by the head of the structural department or the territorial structure and sealed.

5. Legal entities, regardless of the form of incorporation and ownership, and individuals willing to engage in certain types of activities subject to licensing, shall be obliged to obtain a license based on the procedure established by these Regulations.

6. It shall be prohibited to engage in activities subject to licensing without a license.

7. The right of legal persons or individuals to perform licensed activities shall commence after obtaining a license. A license issued to legal persons or individuals shall be the document entitling engagement with activities stipulated in the license.

8. Types of activities subject to licensing stipulated in the Articles 17 and 18 of the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities” can cover types of works included in this major type of activity. The special part of these Regulations may stipulate a list of specific types of work.

9. One license shall be issued for each type of activity listed in the articles 17 and 18 of the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities”. When licensed types of activities cover types of works, these types of works shall be stipulated in the license. Separate licenses for types of works covered in the major activity shall not be issued.

10. Foreign individuals and legal entities, as well as stateless persons, shall be entitled for licenses on the same terms and based on the same procedures that apply to physical and legal persons of the Republic of Tajikistan, unless otherwise envisaged in the legislation of the Republic of Tajikistan and these Regulations. A foreign legal entity applying for a license must have its branch or representative office in the Republic of Tajikistan.

11. Licenses obtained in other states shall be recognized in the territory of the Republic of Tajikistan based on relevant international legal acts recognized by the Republic of Tajikistan.

Chapter 2. The Procedure of Introducing Licensed Types of Activities.

1. Introduction of new types of licensed activities or their withdrawal by types of activities shall be set only by the Law of the Republic of Tajikistan “On Licensing Certain Types of Activity”.

2. Some regulations governing special issues pertaining to licensing and contained in other normative legal acts, shall not contradict with the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities” and can apply only after relevant amendments in the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities”.

3. When issuing licenses, licensing bodies shall be prohibited to set additional permissible types of activities related to the major activity, as well as to set requirements or terms not envisaged in these Regulations on their own initiative.

Chapter 3. The Document Confirming Availability of the License and a Decision to Issue a License

1. A decision to issue a license and a document confirming availability of a license shall indicate the following:

- name of the licensing body;
- for a legal entity – name and incorporation form, legal address;
- for an individual – last name, first name, patronymic, place of residence, passport number and date of issue;
- licensed type of activity including types of works (when licensed type of activity comprises types of works; registration number, date and validity term of the license;
- taxpayer's identification number;
- license number;
- date of the decision to issue a license;

2. License forms shall be printed typographically, have protection level; registration serial number and a number. License forms shall be registered high-security forms. Registration and storage of license forms shall be the responsibility of the licensing body.

3. Alterations in the license forms shall not be allowed. Garbled license forms shall be destroyed through a formal note.

4. In the case of lost licenses, license holders shall have the right to obtain a copy of the license.

5. Upon request of licensing and tax bodies, license holders shall be obliged to produce licenses. Copies of licenses can be produced when license holders apply for a copy, conversion, or extension of a license.

Chapter 4. License Validity

1. Types of activities included in the license can be performed only by a legal entity or and individual holding the license.

2. Activity, for which the licensing body issued a license, shall be performed in the territory of the Republic of Tajikistan, unless otherwise envisaged in international legal acts recognized by the Republic of Tajikistan.

3. In the cases expressly provided in the legislation of the Republic of Tajikistan, licenses can apply only in a definite territory of the Republic of Tajikistan.

Chapter 5. Licensing Requirements and Conditions

1. One of the mandatory licensing requirements and conditions in performing licensed types of activities shall be compliance with the legislation of the Republic of Tajikistan, as well as the requirements stipulated in these Regulations.

2. As for the licensed types of activities that require special knowledge, license applicants, and licensee qualification requirements, in particular, qualification requirements on the staff of legal entities or individuals shall be provided in the special part of these Regulations.

3. As for the licensed types of activities that require special conditions, requirements to comply with the indicated special facility conditions, under which or per such activities are performed may be included in licensing requirements and conditions set in the general part of these Regulations.

Note: In these Regulations, facilities shall mean buildings, structures, as well as equipment and other technical means, with which licensed activities are performed.

4. The list of licensing requirements and conditions pertaining to specific type of activity subject to licensing shall be provided in the special part of these Regulations and shall be the inalienable part of the issued license (attached to the license).

5. Licensing bodies, when necessary, shall test on site conformity of work conditions to the set requirements.

6. Tests shall be performed at the expense of funds allocated by relevant budgets for maintenance of a licensing body.

Chapter 6. Fee for Consideration, Submission, Conversion, and Extension of Licenses

1. A fee equivalent to four minimal salaries shall be charged by the licensing body for the consideration of an application for a license for types of activities stipulated in the Article 17 of the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities”. A fee equivalent to ten minimal salaries shall be charged for the consideration of an application for licensing by types of activities indicated in the Article 18 of this Law. The above fees shall not be subject to return.

2. A fee equivalent to ten minimal salaries shall be charged for provision of a license for types of activities indicated in the Article 17 of the Law of the Republic of Tajikistan “On Licensing of Certain Types of Activities”. The size of the fees for licensing by types of activities indicated in the Article 18 of the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities” shall be envisaged in the Section III of the special part of these Regulations.

3. A fee equivalent to two minimal salaries shall be charged for the conversion of a document confirming availability of a license.

4. Extension of a license for a term shall be subject to a fee same as for provision of a license.

5. Fees for consideration of applications and provision of licenses, as well as for the conversion of documents that confirm availability of a license, or for the extension of the license term shall be charged as cash or non-cash paid to the national or local budget. Payment shall be made in accordance with the procedures set by the legislation of the Republic of Tajikistan.

6. Licensing bodies shall not have the right to charge license applicants with other cash payments.

7. Licensing shall be performed up to the amounts allocated from relevant budgets for maintenance of licensing bodies.

Chapter 7. Documents Required for Obtaining a License

1. To obtain a license, a license applicant shall submit the following documents to the relevant licensing body:

- an application for licensing indicating the type of activity and: for a legal entity – title and incorporation form of the organization, legal address and location, settlement account number and bank name; for an individual – the last name, the first name, the father’s name, place of residence, passport number and date of issue;
- licensable type of activity to be performed by the individual or legal entity, term of this type of activity; for a legal entity – copies of the articles of association, a copy of the certificate of state registration of a licensee as a legal entity; for an individual – certificate on the state registration of a citizen as an individual entrepreneur;
 - a copy of the certificate on registration of licensee with the tax agency;
 - a document confirming payment of the licensing fee to the licensing body for consideration of the application for a license;
 - information on the qualification of the licensee’s staff;

- date of the application and applicant's signature.

2. In addition to the documents indicated in the special part of these Regulations, other documents required for certain types of activities may be envisaged for submission.

3. It shall not be allowed to request licensees to submit documents that are not stipulated in the Law of the Republic of Tajikistan "On Licensing Certain Types of Activities" and these Regulations.

4. Documents shall be submitted by the license applicant in Tajik and Russian. Documents provided by foreign persons of submitted abroad must be verified in accordance with the procedures set in normative legal acts of the Republic of Tajikistan.

5. Application forms shall be approved by the licensing body according to the requirements of these Regulations.

6. The licensing body shall be obliged to arrange an information stand to post the list and samples of documents required for the acquisition of a license.

7. License applicants shall be responsible for the authenticity of data and documents submitted. When necessary, the licensing body shall have the right to check the authenticity of data and documents submitted by the applicants.

8. All documents submitted to the relevant licensing body shall be accepted according to the list, and a copy of the list with the date of acceptance shall be sent (handed) to the license applicant by the relevant bodies.

Chapter 8. Decision-making on the Issue or Denial of a License

1. The licensing body shall take a decision to issue or deny a license within a term of up to thirty days from the receipt of application with all required documents, including consideration of documents, expertise, reviews, and other required actions.

2. Consideration of applications and issue of licenses are performed by the commission unless otherwise envisaged in the special part of these Regulations. The composition of the commission shall be approved by the head of the licensing body. The commission may comprise representatives of other relevant ministries, departments, and organizations. The regulations of the commission shall be approved by the licensing body.

3. Date and place of the meeting of the licensing body shall be announced in advance. License applicants or their authorized representatives shall have the right to attend the meetings of the licensing body's commission. Failure of the above persons to appear in the meeting shall not be the ground for denial to issue a license.

4. The licensing body shall be obliged to inform the applicant in writing on the decision to issue or deny a license within a determined term.

5. Notification on issuance of a license shall be sent (handed) to the applicant in writing with the indication of bank account details and term of licensing fee payment.

6. Notification on the denial to issue a license shall be sent (handed) to the applicant in writing with the indication of grounds for the denial.

7. Within three days after the submission of the document confirming payment of the licensing fee, the licensing body shall issue the document confirming availability of the license at no charge.

8. Decisions of the licensing body shall be arranged by a relevant act and stored in the files of this body. At the request of the applicant or his/her representative, information from such acts or copies of these acts shall be given free of charge.

Chapter 9. Denial to Issue a License

1. The following shall be the grounds to deny a license:

- inadequate or distorted information in the documents submitted by the applicant;
- applicant, facilities he/she owns or uses, not complying with the requirements and terms for licensing;

- negative opinion of the relevant body on the required type of activity.

2. Within one month from the receipt of a notice on denial of a license, recommendations to applicants to eliminate impediments indicated in the subparagraphs 1 and 2 of the paragraph 1 of this Chapter, applications shall be considered on a common basis without a second payment. Licensing fees paid for the consideration of applications shall not be returned in the case of denial of a license.

3. Denial of a license shall not be allowed based on the volume of product (works, services) produced (performed) or planned for production (performance) by the license applicant.

4. Denial of a license shall be prohibited on other grounds not envisaged in the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities” and these Regulations.

5. License applicants shall have the right to appeal against the denial of a license or failure to act of a licensing body in the court.

Chapter 10. Conversion of Documents Confirming Availability of Licenses

1. In the case of legal entities’ transformation, change of the title or place of residence of an individual, the licensee – a legal entity (his/her legal successor) or an individual entrepreneur shall be obliged to apply for conversion of the document confirming availability of a license with the attached documents confirming such changes.

2. After conversion of a license confirmation, the licensing body shall introduce relevant amendments in the register of licenses.

3. The licensing body shall convert licenses within ten days starting with the receipt of application.

4. Prior to the conversion and receipt of a new license, the licensee can perform activities based on a copy of the previously issued license.

5. Exception inspections, checks, and expertise of the licensee shall not be performed for the conversion of licenses.

6. It shall be prohibited to require the licensee to convert his/her license based on the grounds other than provisions of this Chapter.

7. Denial of a license conversion can be appealed against in the court by the licensee.

Chapter 11. Extension of the License Terms

1. Validity term of the license upon expiry can be extended upon application of the licensee.

2. License validity term shall be extended by way of conversion of the license availability confirmation document for a term stipulated by the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities” for the type of activity under question.

3. Licensees shall have the right to appeal against denial of license extension in the court.

Chapter 12. Suspension, Revocation, and Termination of a License

1. Suspension of licenses shall be allowed in the following cases:

- failure to comply with the license requirements and conditions;
- transfer of a license to another physical or legal person;
- issue or sale of borax, provision of poor services;
- failure to comply with the requirements of other normative and legal acts.

2. The licensing body shall have the right to suspend licenses due to revelation of repeated (two and more times) violations or gross infringement of license requirements and conditions by the licensee. Licenses can be suspended only in exceptional cases, when it is necessary to prevent immediately dangerous threat to people’s life and health, occurrence of technogenic catastrophes, inflicting irreparable harm to bodies or state of environment, and when prevention of such circumstances by other ways is impossible.

3. The licensing body shall be obliged to set a term for the licensee to eliminate violations that entailed license suspension. Such a term can not exceed three months. When a licensee failed to eliminate violations within the established term, the licensing body shall be obliged to approach the court for revocation of the license.

4. All decisions pertaining to the suspension or revocation of a license shall be considered at the meeting of the licensing body with mandatory invitation of the licensee (his/her representative). The licensee must be preliminarily informed in writing not later than 10 days prior to the meeting of the licensing body. When the properly notified licensee fails to appear with no good reason, decisions can be taken without licensee's participation.

5. A decision to suspend license operation shall be communicated by the licensing body to the licensee in writing with a motivated justification no later than in three days starting with the date of such a decision.

6. The licensee shall be obliged to inform the licensing body in writing on the elimination of violations that entailed license suspension.

7. The licensing body that suspended the license shall take a decision on revival of the license and informs the licensee in writing within three days after the receipt of the notification and verification of eliminated violations that entailed license suspension.

8. The term of the license shall not be extended for the suspension term, and no fee shall be charged for the revival of the license.

9. The license can be revoked by the decision of the court based on the application of the licensing body when the licensee's violation of the requirements and conditions entailed harm to the rights and legal interests, health of the citizens, defense and security of the state, cultural heritage of the people of the Republic of Tajikistan, or when the licensee failed to eliminate violations of the license requirements and conditions in time. Simultaneously with the application to the court, the licensing body shall have the right to suspend the license under question for the term until the court decision is in effect.

10. The licensing body can revoke a license in the case of licensee's failure to pay the licensing fee within fifteen days.

11. Information on the suspension, renewal, and revocation of the license shall be sent by the licensing body to the tax agency to the registration place of the licensee, and shall be communicated by the tax agency, when necessary, to relevant supervisory and oversight bodies.

12. Decisions to suspend or revoke licenses can be appealed against in the court.

13. Licenses shall be terminated in the following cases: liquidation of a legal entity, termination of the state registration certificate of a physical person as an individual entrepreneur, effectiveness of the court decision to revoke a license, expiry of the license term, based on the written application of the licensee to terminate the license.

Chapter 13. Register of Licenses

1. License register is a complex of data on the issue of licenses, conversion of documents confirming availability of a license, suspension, and revival of a license, revocation, and termination of a license, indicated in these Regulations. The form of the register shall be approved by the licensing body.

2. Licensing bodies shall maintain registers of licenses for the types of activities to be licensed by them. Each type of activity subject to licensing shall be covered by a separate register. Information on the licenses issued by the territorial structures of the licensing bodies shall be submitted to the licensing body immediately for registration.

3. Information stipulated in the Articles 9 and 15 of the Law of the Republic of Tajikistan "On Licensing Certain Types of Activities", and other data indicated in these Regulations shall be included in the register of licenses.

4. Information contained in the license register shall be open to physical and legal persons for familiarization. Publication of information contained in the license register, mass media shall be allowed.

5. Information contained in the license register as extracts on certain licensees shall be provided to physical and legal persons for a fee. The size of the payment for provision of information shall make one minimal salary and shall be transferred to the state budget.

6. Information from the license register shall be provided to government bodies free of charge.

7. Information from the license register shall be provided within three days starting with the receipt of an application.

8. The procedure of registering amendments shall not exceed three days starting with date of the decision taken by the licensing body.

9. Register of licenses shall be made in chronological order based on the license registration date and assignment of the registration number.

10. The head of the licensing body shall have the following responsibilities:

- timely and proper maintenance of the license register;
- timely provision of the data from the register to interested parties upon their request.

11. Information in the license register, as well as the documents, based on which licenses were issued, shall be kept in the files of the licensing bodies during five years and further transferred to the archive according to the established procedures.

Chapter 14. Powers of Licensing Bodies and Control

1. Licensing bodies shall perform the following tasks:

- issue of licenses;
- conversion of documents confirming availability of licenses;
- extension of the license term;
- suspension of licenses;
- revival of licenses;
- revocation of licenses (as envisaged in the Article 14 of the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities”);
- maintaining the license register;
- control over the licensee’s compliance with the licensing requirements and conditions.

2. The licensing body shall supervise the licensee’s compliance with the licensing requirements and conditions within their competence.

3. Licensing body, within its competence, shall have the right to inspect activities of the licensee in terms of its compliance with the licensing requirements and conditions. Inspections shall be exercised in accordance with the requirements of the Law of the Republic of Tajikistan “On Inspections of the Activities of Economic Entities”.

4. Public supervisory and oversight bodies, as well as other government bodies, within their competence, shall be obliged to inform the licensing body on violations of licensing requirements and conditions revealed, as well as on measures undertaken.

Chapter 15. Responsibility for the Violation of the Licensing Legislation

1. Licensee’s losses caused by groundless denial of a license or violation of the licensee’s rights and interests shall be recovered based on the procedures set in the legislation of the Republic of Tajikistan.

2. Engagement in the activities without a relevant license or in violation of licensing requirements and conditions shall entail administrative and criminal responsibility established by the Legislation of the Republic of Tajikistan.

SPECIAL PART

SECTION II. GENERAL TYPES OF ACTIVITIES SUBJECT TO LICENSING

Chapter 16. Peculiarities of Licensing Activities in the Area of Digital Signatures and Activities in the Area of Information Protection

1. Types of activities subject to licensing:

- issue of certificates of the digital signature keys, registration of digital signature owners, provision of services pertaining to the use of digital signatures, confirmation of the authenticity of digital signatures;

- revealing electronic devices designed for gen up in premises, and technical means (except when such activity is performed to satisfy own needs of the legal entities or individual entrepreneurs);

- development and production of means to protect confidential information;

- technical protection of confidential information;

- development, production of special technical means designed for gen up, sale of information, as well as acquisition of information for sale when such activities are performed by entrepreneurs and legal entities engaged in entrepreneurship.

2. Licensing body – the Main Department on Protection of State Secrets under the Government of the Republic of Tajikistan and its territorial bodies in the Gorno-Badakhshan Autonomous Oblast, Sogd, and Khatlon Oblasts.

3. The licensing body shall issue a license after the technical expertise based on the procedures approved by the Main Department on Protection of State Secrets under the Government of the Republic of Tajikistan.

4. Additional licensing requirements and conditions:

- activities can be performed only at attested facilities complying with the norms and procedures of information security technical protection;

- devices, technical and electronic equipment must be certified for conformity, devices shall be verified in the standardization, metrology and certification bodies;

- personnel must be attested, have access to confidential data that represents state secrecy;

- availability of the expertise act of the Ministry of Transport and Communication of the Republic of Tajikistan on intrinsic extraneous electromagnetic radiation;

- availability of a plan of engineering networks (electric power supply, communication, water consumption, heat supply, fire protection system and security alarm system, local radio network).

5. Having revealed violation of technical protection norms and procedures at the facilities, the licensee shall be obliged to inform the Main Department on Protection of State Secrets under the Government of the Republic of Tajikistan immediately.

Chapter 17. Peculiarities of Licensing Printing Production, Including Security Forms Protected from Forgery, as well as Marketing these Products. The Licensing Body – the Ministry of Finance of the Republic of Tajikistan.

Additional documents for licensing:

- certificate of the fire inspection;

- positive conclusion of the interior agencies on the state of values safety regime;

- sample of printing items to be produced.

4. Additional licensing requirements and conditions:

- availability of special technical equipment for printing securities' forms, including printing samples, printed forms, numbering, processing;

- availability of special equipment and technologies that allow ensuring high level protection of the securities' forms from forgery and other violations;

- availability of experts with relevant qualifications;
- ensuring maintenance of the samples of all printing products;
- availability of the record keeping system and conditions to ensure maintenance in the process of printing products.

Chapter 18. Peculiarities of Licensing Lombard Activities

1. Licensable types of activities: Lombard activities.
2. Licensing bodies: the Ministry of Finance of the Republic of Tajikistan.
3. Additional documents for obtaining a license:
 - copies of documents confirming availability of premises in possession of the license holder or on other grounds for Lombard activities;
 - positive conclusion of the fire inspection bodies and internal affairs bodies on the conformity of buildings and equipment to the set requirements.
4. Additional licensing requirements:
 - meeting requirements of normative legal acts regulating Lombard activities on acceptance, recording and storage of the property accepted as security or for storage, sale of non-recovered or unclaimed property;
 - mandatory insurance of Lombard at the own expense in favor of the pledger of the pledged property for the entire valuation amount;
 - availability of necessary premises, equipment, inventory and system of protecting facilities conforming to the set requirements.

Chapter 19. Peculiarities of Licensing Audit Activities

1. Licensable type of activity: audit.
2. Licensing bodies:

The Ministry of Finance of the Republic of Tajikistan for the audit of stock exchanges, extra-budgetary funds, investment organizations, audit of insurance organizations and general audit; the National Bank of Tajikistan – for the audit of bank organizations.
3. Qualification certificate of an auditor shall be mandatory in order to obtain a license for auditor activities.
4. Additional documents for obtaining a license for the audit of stock exchanges, extra budgetary funds, investment organizations, audit of insurance companies, and general audit:
 - copies of documents confirming higher education;
 - a copy of the employment record book confirming time record by occupation – accountant, economist, auditor, financier, lawyer – up to 5 years with higher education or financial, accounting-analytical, auditing of up to 10 years with secondary special education.
5. Additional licensing requirements and conditions for the audit of bank organizations:
 - private auditors or auditors of audit organizations must have auditor qualification certificates;
 - no less than three licensed auditors in the staff of the audit organization;
 - audit shall be the major occupation of the license applicant.
6. Auditors shall be attested in accordance with the procedures established by the Government of the Republic of Tajikistan.

Chapter 20. Peculiarities of Licensing Valuation Activities

1. Licensable type of activity: valuation activity.
2. Title of the licensing body: The State Committee on Investments and State Property Management of the Republic of Tajikistan.

3. Additional documents required for licensing: copies of the personnel documents confirming professional knowledge of evaluation activities.

4. Additional licensing requirements and conditions:

- minimum one lawyer with relevant qualification in evaluation activities.

Chapter 21. Peculiarities of Licensing Works on Installation, Repair, and Maintenance of the Fire Security Facilities for Buildings and Structures

1. Licensable type of activity: installation, repair, and maintenance of the fire security facilities for buildings and structures.

2. Installation, repair, and maintenance of fire security facilities for buildings and structures include the following:

- processing of structures and buildings by fire-proof means;
- connection, repairs, and maintenance of the automatic fire prevention means and hand-held devices;
- provision with fire protection equipment and means;
- expertise of fire protection equipment and means.

3. Licensing body: the Ministry of Internal Affairs of the Republic of Tajikistan.

Chapter 22. Peculiarities of Licensing Trade in Arms, Basic Units, and Ammunition

1. Licensable type of activity: trading non-military and duty weapons, basic units and ammunition.

2. Licensing body: the Ministry of Internal Affairs of the Republic of Tajikistan.

3. Additional documents mandatory for all personnel for obtaining a license for trading in arms, basic units, and ammunition:

- a document certifying general military duty;
- certificates confirming no records of registration with psychiatric or narcological dispensary, no alcohol abuse;
- document on handling fire arms;
- no record certificate.

4. Additional requirements and conditions to licensees:

- conformity of the building to the norms and rules pertaining to maintenance of arms and ammunition;
- safes for storage of arms, basic units and ammunition;
- access to the selling area only to persons of 18 years of age and older;
- utilities (electricity supply, communication, fire safety and security alarm system).

Chapter 23. Peculiarities of Licensing Activities on Servicing and Repairs of Hoisting Machines, Operation of Explosive, Fire Hazardous, Chemically Hazardous Production Facilities

1. Licensable types of activities:

- maintenance and repairs of hoisting machines (except for the cases when indicated activities are performed to provide internal needs of legal entities or individual entrepreneurs);
- operation of explosive, fire hazardous, chemically hazardous production facilities.

2. Maintenance and repairs of hoisting machines shall cover the following:

- installation, setting up, and operation of hoisting machines;
- technical examination of outdated hoisting machines.

3. Operation of explosible production facilities shall cover the following:

- acquisition, utilization, processing, development, storage, transportation, disposal of substances that can create explosible mixes with oxygen, or with each other (combustion gases,

highly inflammable and combustible liquids, dust-producing substances), solid phase and liquid phase substances capable of spontaneous decomposing with an explosion;

- obtaining ferrous and non-ferrous melt and melt-based composites (in technology installations with batch load no less than 100 kg);

- operation, installation, setting up, repairs of the equipment functioning at excess pressure above 0,07 MPa or at the heating temperature of water above 115° C;

- non-destructive method to control technical devices and structures at dangerous production facilities;

- examination of containers for the utilization, storage and transportation of inflammable gaseous substances, which, under normal pressure and in stock with air or with each other, become inflammable and whose boiling point at normal pressure makes 20° C or less;

- mining works in mines and underground pits, exploration of deposits with dangerous gas and dust, dangerous in terms of sudden outburst of rocks, coal and gas, dangerous in terms of rock bumps.

4. Operation of fire hazardous facilities shall include the following:

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

- underground and surface extraction and processing of minerals prone to spontaneous combustion;

- works on other mountain sites with the technology that envisages fire hazard works, including works not related to the extraction of minerals;

- testing linear portion of main pipelines upon the completion of construction and repairs;

- diagnostics of the linear portion, technological pipelines, fixed installations of mainline pipeline facilities;

- operation of underground gas storages.

5. Operation of chemically hazardous facilities shall include the following: extraction, utilization, processing, development, storage, transportation, disposal of toxic, highly toxic substances, and substances that constitute danger to the environment.

6. Licensing body: the Main State Department on Control of Safe Works in Industry and Mines Inspectorate under the Government of the Republic of Tajikistan.

7. Additional documents for licensing of maintenance and repairs of hoisting machines:

- positive expertise opinion on the industrial safety;

- list of available hoisting devices indicating the registration number, production serial number and year of manufacture, as well as copies of passports;

- a copy of the decree on the appointment of executives and operating personnel for safe operation of hoisting machines;

- a copy of the minutes of the test of knowledge of the engineering personnel and technical personnel installation code and safe operation of hoisting machines;

- information on the arrangement of the departmental quality control;

- declaration on the industrial safety of the hazardous production facility.

8. Additional documents for obtaining a license for operation of explosible production facilities, fire hazard production facilities, and chemically hazardous production facilities:

- information on the personnel and their qualifications;

- certificate of the licensing system of the interior affairs agencies;

- certificate of the industrial safety expertise;

- certificate of the state environmental expertise, fire engineering and sanitary epidemiological services;

- a copy of technical certificate on explosion safety of industrially hazardous facility;

- a copy of the plan on localization and liquidation of emergency situations;

- a copy of instruction of executives and technical personnel for safe operation of explosible production, facilities, and safe works;

- information on the available technical regulations for output goods or technological guidelines approved according to the established procedures;
- a copy of the minutes on testing of the knowledge of engineering and maintenance personnel on the installation codes and safe operation of explosible production facilities;
- information on the arrangement of departmental quality control;
- declaration on industrial safety of hazardous production facility.

Chapter 24. Peculiarities of Licensing Industrial Safety Expertise

1. Licensable type of activity: industrial safety expertise.
2. Industrial safety expertise shall cover the following:
 - expertise of the design documents on construction, expansion, reconstruction, technical upgrading, conservation and liquidation of production facilities;
 - expertise of technical devices used in hazardous production facilities;
 - expertise of buildings and structures in hazardous production facilities;
 - expertise of the industrial safety declaration.
3. Title of the licensing body: the Main State Department on Control of Safe Works in Industry and Mines Inspectorate under the Government of the Republic of Tajikistan.
4. Additional documents for obtaining a license for the industrial safety expertise;
 - sufficient number of lawyers for the industrial safety expertise complying with the relevant qualification requirements;
 - professional university degree of individuals in accordance with the area of expertise;
 - data on the normative and technical base;
 - a copy of the minutes on examination of knowledge of the engineering staff;
 - industrial safety declaration for the industrial safety expertise.

Chapter 25. Peculiarities of Licensing Production, Storage, Utilization, Dissemination, and Transportation of Industrial Explosives; Production and Dissemination of Pyrotechnic Items

1. Titles of licensable types of activities:
 - production, storage, dissemination, transportation and use of commercial explosive materials;
 - production and dissemination of pyrotechnic items included in the state cadastre of explosives.
2. Licensing body: the Main State Department on Control of Safe Works in Industry and Mines Inspectorate under the Government of the Republic of Tajikistan.
3. Additional documents required for obtaining a license:
 - information on the staffing levels, and qualifications of the staff, arrangement of training and attestation of specialists, whose functions are related to hazardous production, facilities, works;
 - certificate of the state environmental expertise, fire safety and sanitary-epidemiological services;
 - certificate of the industrial safety expertise;
 - information on the arrangement of departmental quality control;
 - information on the availability of a design for construction of a storage area for explosives;
 - a copy of the certificate on the acceptance of the storage area for explosives;
 - information on the availability of normative documents for produced explosives and other items from explosives;
 - regulations on the administration of blasting works (work with explosives);
 - certificate of internal affairs body on the facilities' compliance;
 - the list of personnel to work with explosives;
 - industrial safety declaration on the hazardous production facilities;
 - a copy of the plan on localization and liquidation of emergency situations;
 - a copy of the decree on persons responsible for operation of dangerous production, facilities and safe works;

- information on the approval of technical regulations on product output or technology instructions in accordance with the established procedures;
- a copy of the protocol on testing knowledge of engineering technical personnel and operating personnel of the rules and instructions on safety;
- information on the technical equipment of the organization.

Chapter 26. Peculiarities of Licensing Activities in the Energy Sector

1. Licensable type of activity:

- extraction, production, exploration of oil, gas, coal, and operation of oil-and-gas network installations;
- storage and marketing of oil, gas and derivatives (except for cases when such activity is performed to satisfy internal needs of a legal entity or an individual entrepreneur);
- assembly, set up and repairs of energy facilities and equipment (except when such activity is performed to satisfy internal needs of a legal entity or an entrepreneur);
- generation, transmission and distribution of electricity (except when such activity is performed to satisfy internal needs of a legal entity or an entrepreneur).

2. The licensing body:

The Ministry of Energy and Industry of the Republic of Tajikistan;

The Agency on Construction and Architecture under the Government of the Republic of Tajikistan – licensing of connection, regulation, and repairs of energy facilities.

3. Additional documents for obtaining a license:

- a list of normative and technical documentation, based on which licensable activity is performed;
- certificate of the sanitary-epidemiological control, state energy inspection, state mines technical inspectorate, environmental, fire safety inspection, and metrology and certification standardization depending on the proposed type of activity;
- information on the production and technical facilities.

4. Additional licensing conditions and requirements:

- quality control system in place;
- satisfactory physical infrastructure (including technical state of energy equipment and installations);
- qualified and professional staff, level of education, record of work in a relevant energy activity;
- observation of the procedures established in the area of production, transportation, storage, processing, conversion, extraction, transmission, distribution, and marketing of energy resources and energy.

5. When necessary, licensing body can involve independent experts to study and assess activities of license applicants.

6. To resolve operational issues pertaining to licensing, the licensing body shall have the right to establish territorial units to perform the following functions:

- primary acceptance and consideration of documents for licensing;
- submission of materials to the Ministry of Energy and Industry of the Republic of Tajikistan for consideration of issuing a license;
- upon the instruction of the license grantor, check compliance with the licensing requirements and conditions.

Chapter 27. Peculiarities of Licensing Construction Activities

1. Licensable type of activity: design and exploration work, construction of buildings and structures, including expansion, reconstruction, repairs and rehabilitation of existing facilities.

2. Design and exploration works include: development of town planning documentation, development engineering networks of settlements and territories, architectural design; construction design, design of engineering networks and systems; development of special design sections, preproduction planning (by industry sectors and separate elements), development of interior design, functions of the general designer.

3. Construction of buildings and structures including preparation of a construction site, earthwork operations, bottoming and basement preparation, construction of supporting and enclosing constructions of buildings and structures (up to 6 m, up to 12 m, above 12 m), set-up of internal utilities and equipment, protection of structures and equipment, finishing works, assembly of technological equipment, functions of the general contractor, functions of a project owner.

4. Licensing body: Agency on Construction and Architecture under the Government of the Republic of Tajikistan.

5. Additional documents for obtaining a license:

- copies of documents confirming compliance with the qualification requirements for individual entrepreneurs or legal entity staff;

- information on the buildings and premises in the possession of the license applicant based on ownership right or other legal grounds required for licensable activities indicating the title and other data of documents, based on which the applicant uses these buildings and premises;

- a position opinion of the Ministry of Culture of the Republic of Tajikistan on the activities pertaining to rehabilitation of cultural heritage sites (historical and cultural sites).

6. Licensing requirements and conditions:

- at least fifty percent of the managerial and specialist staff numbers with professional higher education and at least five years of time record in the area of engineering investigations in architectural engineering;

- professional higher education of the individual entrepreneur and at least five years time record in engineering investigations in architectural engineering, construction, at least five years of research and restoration of cultural heritage facilities (historical and cultural sites), monuments;

- buildings, equipment and inventory, construction machines, transport means, power-operated and manual instruments, industrial tools, mobile energy devices, means to ensure safety of control and measurement means required for licensed activities;

- system of quality control of works, construction materials, metrology maintenance of devices and measurement means;

- performance of licensable activities in accordance with the requirements of the legislation of the Republic of Tajikistan, relevant state standards and normative-technical documents in construction.

7. The licensing body shall have the right to attract professional creative organizations in construction, architecture and town planning, certain highly qualified specialists and other persons for independent evaluation of the licensee's conformity to licensing requirements and conditions.

Chapter 28. Peculiarities of Licensing Geodesy and Mapping Activities

1. Licensable type of activity: geodesy and mapping.

2. Works comprising geodesy:

- building (development) of geodetic photo control;

- building geodetic beacons;

- laying geodetic centers;

- creation of field-compilation networks;

- photographic operations;

- trace works;

- surveying underground utilities;

- photo theodolite survey;

- survey operations pertaining to setting out fixation of engineering geodetic plans, geophysical and other surveying points.

3. Mapping contents:

- production of open mapping products (atlases, political-administrative, thematical blank and other types of maps);

- permit for development and preparation to the publication of thematical, special and other maps;

- touristic maps.

4. Licensing body:

The Agency on Land Management, Geodesy, and Mapping under the Government of the Republic of Tajikistan;

The Agency on Construction and Architecture under the Government of the Republic of Tajikistan – in charge of licensing construction related works.

5. Additional documents for obtaining licenses:

- an application for production of geodetic and mapping works (for licensing) based on a form approved by the licensing body;

- information on the technical facilities.

6. Additional licensing requirements and conditions:

- compliance of the selected method of scale of surveying and contour interval with normative acts;

- qualified executors;

- geodetic equipment included in the State Register of Measuring Tools of the Republic of Tajikistan that passed through the state inspection;

- higher education and at least three years time record of practical work in this specialty or secondary special education, and at least 8 years time record in this specialty.

7. Licensing shall not be required for surveying performed by educational organizations as field period for students, unless they have production purposes.

Chapter 29. Peculiarities of Licensing for Tunnel Surveys

1. Licensable activity: Tunnel Surveys.

2. Tunnel surveys shall include:

- spatio-geometrical measurements of mining and underground installations, definition of their parameters, location and conformity to design documentation;

- monitoring of the state of mine takes and justification of their borders;

- maintaining of mountain graphic documentation;

- record keeping and justification of mining volumes;

- defining dangerous zones and measures to protect mines, buildings, structures and natural objects from impact of works pertaining to subsoil use.

3. The licensing body: The Main Department on State Supervision of Safe Mining and Mines Inspectorate under the Government of the Republic of Tajikistan.

4. Additional documents for licensing:

- information on the equipment of the organization, required quantity of tunnel surveying, geodetic devices and instruments, computer technologies indicating the brand and type, as well as copies of certificates, attestation passports obtained in special organizations;

- information on the economic security of tunnel surveying services, availability of special equipped premises with the indication of area and actual arrangement per the Instruction on Tunnel Surveying;

- information on the provision of tunnel surveying services with auxiliary devices and materials, including drawing instruments, blueprinting machines, coordinate calculation journals and field books, paper and other materials for preparation of map-boards, transparent paper and blueprint;

- list of current normative-technical documentation (rules, standards, guidelines, regulations) pertaining to the production of tunnel surveying;
- information on the current standards of repairs, inspections and tests of tunnel surveying equipment, and instruments;
- required numbers of staff in the tunnel surveying department (engineers and technicians – tunnel surveyors, cartographers and tunnel surveying bureaus staff) according to the requirements of instruction on tunnel surveying works;
- approved staff of tunnel surveying department and information on actual staffing;
- information on the experts of the tunnel surveying service (last name, first name, patronymic, date of birth, education, time record in this specialty, post occupied, date of recent attestation);
- a copy of the permit (for physical persons) to work with data representing state secrecy, received according to the established order;
- information on the main conditions in using subsoil requiring special complicated high-accuracy methods and approaches in tunnel surveying works;
- information on departmental control of tunnel surveying in the entity.

Chapter 30. Peculiarities of Licensing Hydrometeorology and Related Areas, Including Active Exploration in Hydrometeorology and Geophysical Processes and Phenomena

1. Licensable type of activity: hydrometeorology and related areas, including active exploration of hydrometeorology and geophysical processes and phenomena.
2. Hydrometeorology activities cover the following:
 - determination of meteorology, climatic, aerological, hydrological and agro meteorological characteristics;
 - preparation and submission of prognostic and monitoring data;
 - development and maintenance of database in hydrometeorology and related areas, and monitoring of the natural environment quality;
 - defining the level of contamination (including radioactive contamination) of environment (atmospheric air, soil, surface water);
 - preparation and forecasting of analytical information and estimations on the state of environment, its contamination (including radioactive contamination);
 - installation, repairs, maintenance and inspection of devices and hydrometeorology equipment.
3. Licensing body: the Ministry of Agriculture and Nature Protection of the Republic of Tajikistan.
4. Additional documents for obtaining licenses:
 - information on normative-technical framework;
 - certificate of compliance of the equipment and devices.
5. Additional licensing requirements and conditions – professional education and time record in this area for at least three years;
 - devices and equipment required for performance of works;
 - accreditation certificate of the licensee for performing works in hydrometeorology and environment monitoring;
 - immediate transfer of information on the state of environment, contamination, technogenic emergencies that impacted, are impacting or may impact environment negatively, to the licensing body and its territorial agencies;
 - transfer of operational data received through monitoring, as well as emergency information, according to the established order, to the hydrometeorology center;
 - transfer of information in the area of hydrometeorology and environment monitoring to the Single database on the state of environment and contamination.

Chapter 31. Peculiarities of Licensing Activities on Collection, Utilization, Deactivation, Transportation, and Disposal of Dangerous Waste

1. Licensable type of activity: collection, utilization, deactivation, transportation, and disposal of dangerous waste.
2. Disposal of dangerous waste includes collection, storage, transportation, utilization, deactivation, disposal of dangerous waste.
3. Licensing body: Agency on State Control of the Use of Natural Resources and Environment Protection.
4. Additional documents for licensing:
 - certificate of the state sanitary-epidemiological control;
 - certificate of the fire safety control bodies;
 - certificate of the state supervision on safe industrial works and mining control – when dangerous waste treatment in extraction and processing of mineral resources, as well as disposal of dangerous waste underground are under question;
 - certificate of the geology organizations, when waste affects underground water and minerals;
 - certificate of the state environmental expertise.
5. Additional licensing requirements and conditions:
 - professional background confirmed by certificates that allow working on disposal of dangerous waste;
 - production facilities, places for disposal of waste in conformity to the technical norms and requirements on equipment, transport means at the disposal of the licensee on a legal basis;
 - means of control and measurement confirming compliance with the admissible impact on environment available with the licensee.
6. Prior to the decision to issue a license, the licensing body exercises expertise of submitted materials in terms of their completeness and authenticity, conformity of the conditions for disposal of dangerous waste to environmental requirements stipulated in the normative documents.

Chapter 32. Peculiarities of Licensing Pharmaceutical Activities, Production of Disinfection, Fumigation, and Deratization Means

1. Licensable types of activities:
 - pharmaceutical activities (preparation and production of medicinal and cosmetic preparations, production of medicinal items and techniques, sale of medicinal and medical goods, production and marketing of food therapeutic supplements);
 - production of disinfection, fumigation, and deratization means.
2. Licensing body: Center on the State Pharmaceutical and Medicinal Control (as a service).
3. Additional documents required for obtaining a license for all below listed activities:
 - copies of documents confirming the right to use production facilities (for preparation and production);
 - certificate of sanitary-epidemiological and fire safety control;
 - certificate of the state environmental expertise;
 - certificate of compliance of the premises for specific pharmaceutical activities;
 - copies of diplomas and employment records of specialists;
 - a copy of the specialist certificate confirming their preparedness for implementation of specific types of pharmaceutical activities;
 - original of the earlier issued license (in the case of reregistration of the license).
4. For obtaining a license for preparation and production of medicinal and cosmetic aids, production of clinical protective food products, production of disinfection, fumigation, and deratization means, in addition to the documents listed in the paragraph 3 of this Chapter, the following additional documents shall be required:
 - a copy of the acceptance certificate of the production capacity (for newly established licensing subjects) or an inspection certificate (for existing organizations) issued by the licensing body;

- start-up or industrial regulation on newly created pharmaceutical production in accordance with the standards and stipulated requirements (for pharmaceutical production – guidelines for preparation of medicines);

- copies of documents confirming conformity of equipment for pharmaceutical activities and activities pertaining to the production of therapeutic and preventive food products and cosmetics, as well as disinfection, fumigation, and deratization means, applied for licensing (for newly created licensing subjects);

- map of the technical level technology and quality of medicines, therapeutic and preventive food products and cosmetics, as well as disinfection, fumigation, and deratization means;

- certificate on the state of metrology provision;

- information on the availability of an internal production system for quality control of the medicines and medicinal items, therapeutic and preventive food products and cosmetics, as well as disinfection, fumigation, and deratization means;

- availability of required documents (patents, certificates, etc.), which allow production of medicines and medicinal products, therapeutic and preventive food products and cosmetics, as well as disinfection, fumigation, and deratization means.

5. Additional licensing requirements and conditions:

- conformity of the utilized facilities to the requirements applied to pharmaceutical facilities;

- availability of required normative technical documentation (in production) and a registration certificate (in production);

- availability of personnel required for the implementation of the indicated activities, and upgrading qualification of specialists in pharmaceutical area at least once in five years;

- compliance with the sanitary norms and procedures;

- compliance with the requirements pertaining to pharmaceutical activities, circulation of medicines and cosmetics, medicinal goods and techniques, therapeutic and preventive food products, as well as disinfection, fumigation and deratization means, set by normative and legal acts;

6. Specific requirements to facilities, equipment, and specialists shall be set by current technology regulations and other normative documents approved according to the established order.

7. Expertise, review, testing, accreditation of the facility being used shall be performed prior to the licensing procedure.

Chapter 33. Peculiarities of Licensing Maintenance of Medical Equipment and Activities Pertaining to the Use of Infection Agents

1. Licensable type of activity:

- maintenance of medical equipment (except when activities are implemented to ensure own needs of a legal entity or an individual entrepreneur);

- activities related to the use of infectious agents.

2. Title of the Licensing Body: the Ministry of Health of the Republic of Tajikistan.

3. Additional documents for the issue of licenses:

- certificate of sanitary-epidemiological control bodies;

- certificate of fire safety control bodies;

- copies of labor books and education diplomas, specialist certificates;

- information on the qualification of specialists in charge of maintenance of medical technology.

4. Additional licensing requirements and conditions:

- compliance with the normative technical requirements on operation of medical technology, operational manuals, as well as normative documents on the maintenance of medical technology;

- availability of employees in charge of maintenance of medical technology, higher or secondary special technical education and at least three years time record in a relevant specialty;

- upgrading qualification of specialists in charge of maintenance of medical technology, and specialists, whose work requires use of agents of infectious diseases, at least once in five years;

- compliance with technical norms and requirements of premises, equipment, and test and measurement equipment used by the licensee for this activity.

5. The procedure of attestation of persons involved in this activity and issue of a specialist certificate shall be defined by the Ministry of Health of the Republic of Tajikistan.

6. Specific requirements to facilities shall be set by existing technology requirements and other normative documents approved according to the established procedures.

Chapter 34. Peculiarities of Licensing Activities on Collection of Medicinal Plants and Procurement of Crude Drugs

1. Licensable type of activity: collection of medicinal plants and procurement of crude drugs.

2. Title of the Licensing Body: Center on State Pharmaceutical and Medical Activities (as an agency).

3. Licenses for collection of medicinal plants and procurement of crude drugs shall be issued in accordance with the quota annually approved by the Government of the Republic of Tajikistan.

4. Additional documents on these types of activities:

- opinion of the authorized government body on the feasibility of collecting medicinal plants in a given area;

- certificate of compliance of premises with the conditions for storage of crude drugs issued by the licensing body.

Chapter 35. Peculiarities of Licensing Private Medical Practice

1. Licensable type of activity: private medical practice.

2. Title of the licensing body: Center on State Pharmaceutical and Medical Practice (as an agency).

3. Additional documents for obtaining a license:

- certificate of the sanitary-epidemiological control bodies;

- certificate of the fire safety control bodies;

- a certificate of special registration issued by the Ministry of Finance of the Republic of Tajikistan for prosthetics and orthopedics services;

- a list of medical services provided;

- copies of documents confirming the rights of license applicants to use production premises;

- copies of labor books and education diplomas, specialist certificates confirming their professional background for certain types of medical practice;

- certificate of compliance of buildings for specific type of medical practice and prosthetic and orthopedics services.

4. Additional licensing requirements and conditions:

- upgrading qualification of the licensee's specialist employees at least once in five years;

- submission of reports on medical activities twice a year.

5. Procedure of attestation of medical personnel and issue of specialist certificates shall be defined by the Ministry of Health of the Republic of Tajikistan.

6. Specific requirements to facilities, equipment, and specialists shall be determined by the current technical regulations and other normative documents approved according to the established procedures.

Chapter 36. Peculiarities of Licensing Activities on Cultivation of Drug-Containing Plants for Scientific Purposes, as well as Development of New Narcotics and Psychotropic Substances, and Activities Pertaining to the Legal Circulation of Narcotics, Psychotropic Substances and Precursors.

1. Licensable type of activity:

- cultivation of drug-containing plants for scientific purposes, as well as development of new narcotics and psychotropic substances;
- activities pertaining to the legal circulation of narcotics, psychotropic substances and precursors (development, production, preparation, processing, storage, transportation, transfer, release, sale, distribution, procurement, utilization, import and export).

2. Licensing body:

Center on State Control of Pharmaceutical and Medical Practice (as an agency) – for activities related to the legal circulation of narcotics, psychotropic substances and precursors used in health care.

The Drug Control Agency under the Government of the Republic of Tajikistan – for the activities related to the legal circulation of precursors.

3. Additional documents required for obtaining a license:

- certificates of relevant bodies of internal affairs on the feasibility of storage of narcotics, psychotropic substances and precursors in the facilities;
- information from the internal affairs agencies on no criminal record of persons, who have access to narcotics, psychotropic substances and precursors;
- information from the drug center on the persons, who have access to narcotics and psychotropic substances;
- decree of the institution head on the appointment of responsible persons, who have access to narcotics, psychotropic substances and precursors;
- copies of diplomas of persons, who have access to narcotics, psychotropic substances and precursors;
- in cultivation of drug containing plants for scientific purposes, as well as development of new narcotics and psychotropic substances, availability of a certificate of the Academy of Sciences of the Republic of Tajikistan on the feasibility of this activity;
- justification of the need to use precursors in production.

4. To obtain a license for production of narcotics and psychotropic substances, the license applicant shall provide the following additional documents:

- start-up or industrial regulations on the newly created pharmaceutical production in accordance with the standards and requirements approved by the Ministry of Health of the Republic of Tajikistan (for pharmaceutical production, guidelines on preparation of medicines);
- copies of documents confirming compliance of the equipment with the requirements for pharmaceutical activities (for newly created licensing subjects);
- map of technical and quality level of narcotics and psychotropic substances;
- certificate on the metrology coverage;
- information on the availability of internal production quality control system in the production of narcotics and psychotropic substances, issued by the authorized body controlling pharmaceutical activities;
- information on the staffing level for the production with specially trained staff entitled for engagement in legal circulation of narcotics and psychotropic substances;
- availability of an agreement with the law enforcement bodies on the protection of facilities producing drug containing medicines.

5. Additional licensing requirements and conditions:

- for pharmacies, a copy of a license for pharmaceutical activities (approved by the head of licensing body);
- quarterly reports on receipt and use of narcotics and psychotropic substances;
- providing information on the import and export of narcotics, psychotropic substances and precursors within ten days;
- a copy of the agreement with the supplier of narcotics, psychotropic substances and precursors.

6. The licensing commission shall comprise representatives of the Ministry of Health of the Republic of Tajikistan, the Drug Control Agency under the President of the Republic of Tajikistan, and the Ministry of Internal Affairs of the Republic of Tajikistan.

7. Specific requirements to the facilities, equipment, and specialists shall be set by technical regulations and other normative documents approved according to the established procedures. Note: Provisions of this Chapter shall not apply on the staff of the law enforcement bodies fighting against illegal circulation of narcotics, and the state judicial institutions in charge of the expertise of narcotics.

Chapter 37. Peculiarities of Licensing Activities Pertaining to the Sources of Ionizing Radiation (Generating) and Activities Related to the Use of Radioactive Substances

1. Licensable type of activity:
 - activities related to the use of the sources of ionizing radiation (generating);
 - use of radioactive substances.
2. Activity related to the use of ionizing radiation sources comprises production, sale, utilization, transportation, storage, and disposal of ionizing radiation sources, repairs of installations using radiation sources of ionizing radiation.
3. The licensing body: the Academy of Sciences of the Republic of Tajikistan.
4. Additional documents required for obtaining a license:
 - certificate of the sanitary-hygienic control on the feasibility of premises and communication systems and special transport means used for the given types of activities, availability of protection means and coating;
 - certificate of the fire safety control bodies;
 - copies of compliance certificates issued by the certification bodies for manufactured, produced, utilized and sold products;
 - a copy of the attestation certificate of the Agency on Nuclear and Radiation Safety of the Academy of Sciences of the Republic of Tajikistan;
 - a document confirming return of radiation sources to the exporter in the case of incomplete import or transit;
 - a copy of the medical certificate on the mental state of the manager and executors;
 - a certificate of the licensing system of the interior affairs bodies.
5. Additional licensing requirements:
 - documents confirming conformity of heads and executors with the special qualification requirements that ensure execution of given types of work;
 - availability of facilities complying with sanitary hygienic requirements and rules established for the activity and equipment with special tools and inventory;
 - attestation certificate of the Agency on Nuclear and Radiation Safety of the Academy of Sciences of the Republic of Tajikistan.
6. Specific requirements to facilities shall be set by the special technical regulations and other normative documents approved by the legislation of the Republic of Tajikistan.

Chapter 38. Peculiarities of Licensing in the Area of Land Transport

1. Licensable type of activity:
 - design testing, construction, repairs, and reconstruction of highways, railroads, and road structures;
 - transportation of passengers and goods by highway transportation;
 - transportation of passengers and goods by railroad transport (except for cases when such activity is performed for the satisfaction of legal persons' or individuals' own needs and without access to communal railroads);
 - maintenance and repairs of the highway and railroad transport;
 - passenger and goods terminals.
2. Transportation of passengers and goods by highway transport shall include the following types of work:

- national (city, suburban, interurban) and international transportation of passengers by highway transport;
- national and international transportation of goods by highway transport;
- forwarding by highway transport.

3. Transportation of passengers and goods by railroad transport shall include the following types of work:

- transportation of passengers through mainlines;
- transportation of goods through access ways to railroads;
- forwarding through the railway transport.

4. Passenger and goods terminal operations shall include the following types of work:

- bus terminals, railroad terminals and stations;
- automobile stations and terminus (except for stops in urban routes);
- automobile parkings;
- national and international goods terminals.

5. Licensing body: the State Service on Control and Regulation of Transport.

6. Additional documents for licensing:

1) For transportation of passengers and goods by highway transport:

- a copy of the driver's license;
- a copy of the certificate on the registration of the vehicle in the territory of the Republic of Tajikistan;
- a copy of the vehicle quality certificate;
- a copy of an agreement for the lease of rolling stock and a power of attorney (when transportation is performed by rented transport means);
- information on the production and technical base (for enterprises and other organizations of automobile transport).

2) For international automobile transportation of passengers and goods:

- a copy of an international passport;
- a copy of the international driver's license;
- certificate of registration of the vehicle in the territory of the Republic of Tajikistan;
- a copy of the vehicle's certificate of quality;
- TIR CARNET in conformity with the Customs Convention on International Transportation of Goods Using TIR Carnet (hereinafter – TIR-Carnet Convention), when transportation is performed based on the TIR Carnet system;
- a certificate on access of the vehicle to international transportation of goods under customs stamps and seals in accordance with the requirements of the TIR-Carnet Convention.

3) Transportation of passengers and goods by railroad transport:

- a copy of the certificate of quality of rolling-stock;
- a copy of the certificate of the rolling-stock operator;
- a copy of the technical passport and technical examination certificate for railroads and access roads;
- a copy of the access way plan for each connection station;
- a copy of a document confirming that the license applicant is the owner of the railroad access way, a copy of the agreement on its utilization;
- an agreement with the station on operation of mainline and access roads (for forwarding purposes);
- information on production and technical base (for railroad entities and organizations).

4) For the operation of passenger terminals:

- information on the production technical base, including types of terminals, existence of platforms, parking area for vehicles, technical examination for passenger transport and medical examination of drivers prior to departure, enquiry points, operator and dispatcher services;
- information on the scheme of routes and schedule of buses;

- information on the availability of cultural-domestic services and sanitary-hygienic services for passengers and terminal workers, including baggage rooms, rest-rooms for drivers, waiting areas, ticket offices, dispatcher rooms, administrative rooms, mother and child rooms, hotels for international terminals, etc.;

- information on the qualified employees and copies of their education diplomas;
- information on compliance with safety rules.

5) For cargo handling terminals:

- information on the production technical base, including points for technical examination of vehicles, existence of parking area and stations, relevant warehouses for the storage of cargo, availability of loading/unloading mechanisms, enquiry, operator and dispatcher services;
- permits of relevant bodies in the use of loading/unloading mechanisms;
- information on the cultural-domestic and sanitary-hygienic services to drivers;
- information on the compliance with general safety rules;
- information on the qualification staff with the copies of education certificates.

6) For the maintenance and repairs of vehicles:

- information on production technical base (availability of posts for certain types of work);
- information on the works performed;
- information on the qualification staff with the copies of education certificates;
- information on compliance with the labor safety and sanitary hygiene requirements.

7) Road activities:

- information on production technical base, including vehicles leased on contractual basis (lease agreement for the lease of road-building machinery);

- information on the compliance with labor safety, environment, fire safety, and sanitary hygiene requirements;

- information on the composition of the managerial staff, qualification composition of workers, engineering employees, copies of diplomas, certificates, data on the upgrading qualifications and attestation of experts for professional activities;

- information on the system of quality control in the organization;

- opinion of the control agencies on the product output, certificates of quality, test results, copies of agreements with the laboratory on testing products;

- documents confirming powers of the person, who submitted documents;

- positive expert opinion of regional licensing bodies.

7. Additional licensing requirements and conditions:

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

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

- compliance of the qualification and technical level of the licensee with the set norms and standards (production base, equipment, transport means, etc.);

- compliance of the facilities for performance of licensable activities with the set norms and standards (transport vehicles, technical means, equipment, buildings);

- compliance with the quality of works with the set norms and requirements;

- compliance of the rules on transportation of goods, passengers and luggage (following routes, capacity, compliance of the axle load and size of imported goods, availability and compliance with the transportation documents) – for transportation;

- availability and conformity of the production technical base (including platforms, parking areas, technical examination points for buses, points for medical examination of drivers prior to departure, enquiry bureaus, operator and dispatcher services), cultural-domestic and sanitary-hygienic services to the passengers, drivers and terminal staff (including baggage rooms, drivers' rest rooms, waiting area, ticket office, dispatcher rooms, mother and child rooms, etc.), route plans and bus schedules in accordance with the norms and standards for the operation of passenger terminals;

- availability and conformity of the production technical base, including points for technical examination of vehicles, parking areas, warehouses for storage of goods, loading/unloading mechanisms, enquiry, operator and dispatcher services, cultural-domestic and sanitary-hygienic services to drivers with the set norms and standards – for the activities of cargo terminals and forwarding operations;

- compliance to the level of responsibility for road works.

8. Depending on the feasibility of certain complexity level works, level of responsibility shall be defined in accordance with the “Procedure of Determining Responsibility Level for Works in Licensing Road Related Activities” (Annex 1).

9. Drivers – individual entrepreneurs working with enterprises and organizations on contractual basis shall receive licenses separately. Drivers of transport enterprises and organizations involved in transportation of goods and passengers by vehicles that belong to these enterprises and organizations, shall work under the licenses of these enterprises and organizations.

10. Activities with transport means shall be regulated by the control cards issued for each vehicle. Control cards shall indicated the series and the number of the license, name of the licensee, type and area of activity, brand and state number of the rolling-stock, term of operation of the licensee in the defined area. Control cards shall be issued based on the application of the licensee for performance of the licensable type of activity in a certain area for a term requested by the licensee of up to 6 months, and approved by the head of the licensing body with a seal of the licensing body. The licensing body shall charge a non-refundable fee equal to one minimal salary for the issue of the license card. The fee for re-registration of the control card shall equal half of the minimal salary, and the fee for the extension of control card shall be charged as for the issue of a control card, which is non-refundable. Control cards shall be extended or re-registered within three days.

11. Control of transport related activities: inspection of transport facilities shall be performed by the State Supervision and Regulation of Transport according to the procedures envisaged in the normative legal acts of the Republic of Tajikistan. Inspection of transport facilities shall be performed at the lines, in terminals, at the control and registration points, stationary posts at the exit points of oblasts, cities, and rayons of the country on a daily basis.

The following shall be inspected:

- license, control card, certificate and other documents, which drivers must carry;
- technical state, external and internal arrangement of the vehicle, its equipage, front, back and side templates, information for the passengers in the saloon;
- compliance of the license holder with the transport legislation and license requirements;
- compliance of the vehicle and its assembly units and devices with technical requirements and conditions;
- compliance of the axle load, size of goods imported by vehicles, capacity;
- proper filling of the travel documents for the passenger vehicles (medical examination, mechanical examination, compliance of the scheduled departure (arrival) time with the actual departure (arrival) time, scheme of the route, schedule, etc.).

12. For instrumental measurements, readings, tests, weighing of vehicles for compliance with the axle load etc., the staff of the State Control and Regulation Service in the transport sphere must use devices and instruments stipulated in the government standards (GOST) and passed through government tests.

13. Based on the results of inspections and investigations of vehicles, when licensable activities were performed without a license, in the case of failure to comply with the license requirements and conditions, gross violations, the State Control and Regulation Service in the transport area shall undertake the following measures: draft acts, reports, protocols; issue warning letters; take decisions obligating the licensee to eliminate revealed violations within the determined terms; take decisions on administrative violations; suspend licenses until violations are eliminated. Drafted materials (acts, protocols, reports) must be authentic, complete, objective, and should be justified by relevant documents.

14. Protocols shall contain: date and place of drafting, position, last name, first name, patronymic of the person, who drafted the protocol: information on the person, place, time and essence of the violation, a normative act that envisages responsibility for this violation. The protocol shall be signed by the persons, who committed violation and the person, who drafted the protocol. Vehicle registration documents shall be withdrawn prior to the elimination of violations and drivers shall be issued temporary technical coupons on the withdrawal of these documents.

15. Heads of the State Control and Regulation Service in the Transport Area, its regional departments shall consider inspection results within 15 days.

Chapter 39. Peculiarities of Licensing Activities in the Area of Air Transportation

1. Licensable type of activity:

- transportation of passengers and goods by air transportation;
- maintenance of air traffic;
- repairs and maintenance of aircrafts.

2. Transportation of passengers and goods by aircrafts shall comprise the following works:

- scheduled internal transportation of passengers and goods;
- scheduled international transportation of passengers and goods;
- nonscheduled (charter) internal and international transportation of passengers and goods;
- agent activities on marketing of air transportation;
- provision of passengers (crews) of aircrafts with in-flight catering.

3. Maintenance of air traffic shall comprise the following works:

- measures directly linked to the take-off and landing of aircrafts (air field, electricity lighting, radio technical, meteorology, navigational, ornithological, search and salvage-rescue support in managing air traffic, air navigation information, aviation safety);
- aviation-engineering support of aircrafts;
- provision of aircrafts with fuel.

4. The licensing body: The State Control and Regulation Service in the Transportation Area.

5. License parameters for transportation of passengers and goods shall be:

- type of transportation (passenger, cargo, passenger-cargo);
- type of aircraft;
- type of provided services (sale, reservation of transportation);
- category of transportation (scheduled, internal, international).

6. Air carriers licensed for scheduled (charter) air transportation, shall have the right to arrange individual sale of passenger (cargo) transportations, including transportation as additional loading of aircrafts without a permit of the licensing body.

7. Licensing of international scheduled and nonscheduled (charter) air transportation shall be performed on the following basis:

- interstate legal acts on the air communication signed on behalf of the Government of the Republic of Tajikistan;
- agreements, protocols, memorandums, and other legal acts between the aviation authorities to carry out flights;
- special permits issued by competent bodies of the Republic of Tajikistan and other states.

8. A license to carry out international scheduled and nonscheduled (charter) air transportation shall be issued to the air companies, which have the three-digit code of the International Civil Aviation Organization (hereinafter – ICAO) and registered transportation documents as envisaged in applicable regulations.

9. Air companies, which do not have a three-digit ICAO code, can use the three-digit code of the air company registered with ICAO on contractual basis, in order to obtain a license for carrying out international (charter) services.

10. A license to carry out scheduled international flights can be issued to air companies given the experience of working in nonscheduled (charter) air lines for at least one year. At that, quality of passenger services, regularity of services and demand met at the serviced air lines shall be taken into account.

11. The Licensing body shall have the right to issue licenses for international scheduled and nonscheduled (charter) flights on competitive basis.

12. Air carriers that received licenses for international scheduled flights shall acquire the status of air carriers assigned by the Republic of Tajikistan.

13. The license for scheduled international air transportation shall also entitle the owner (owners) to carry out additional nonscheduled (charter) flights on given air lines.

14. The license for scheduled and nonscheduled (charter) international flights can be issued to the air company given insurance policy covering health hazard and damage of the property of passengers and cargo owners, pursuant to the Warsaw Convention from 1955, as well as given insurance responsibility to third parties determined in the Rome Convention from 1952, or other volumes agreed with foreign states.

15. Additional licensing requirements and conditions that entitle transportation of passengers and goods by air transport.

Licenses for the transportation of passengers and goods by air transport shall be issued to persons, who must:

- have a current certificate for the operation of civil aircrafts issued by the authorized civil aviation body; foreign citizens or legal entities shall have certificates for operation of civil aircrafts or similar documents issued by competent authorities of their states complying with the requirements set by the Republic of Tajikistan;

- use aircrafts that passed through the state registration in the Republic of Tajikistan or other states and have current certificates of airworthiness issued by authorized bodies or foreign states and recognized as valid in the Republic of Tajikistan;

- ensure types of compulsory insurance as provided in the normative legal acts of the Republic of Tajikistan;

- obtain a certificate from the sanitary epidemiological control bodies;

- have documents certifying financial and economic sustainability of the applicant to perform licensable type of activity (based on the form set by the Civil Aviation Department of the Republic of Tajikistan).

16. For the scheduled international flights, a person must provide the following additional documents:

- an ICAO registration certificate of the air company;

- a three digit code of ICAO for operation purposes;

- a set list of transport documentation for the development of international transportation of passengers and goods.

17. The license for agency operations for the sale of air transportation can be issued to applicants given:

- their own (or leased) premises with required equipment and communication means that allow selling and reserving commercial loading at aircrafts of the air carriers;

- security alarm system;

- certified personnel;

- agreement (contract) for agency (sub-agency) operations with at least one air carrier.

18. A license shall not be required when air companies individually carry out sale of air transportation services provided by the aircrafts of the given air carrier.

19. A license for providing passengers (crews) of aircrafts with in-flight catering can be issued to applicants given:

- availability of their own (leased) entities (workshops) with necessary equipment;

- properly certified personnel;

- aircraft dishware in required quantity;

- opinion of the sanitary epidemiological control bodies;
- certificate of quality on the food products and provisions;
- agreement (contract) with at least one air carrier for such provision.

20. A license for maintenance of air traffic can be issued to applicants for the following types of work:

- airdrome provision, given:
 - a certificate of state registration and feasibility of the airdrome for operation (certificate of compliance);
 - mechanical aids for repairs and maintenance of the airdrome;
 - electric lighting and radio technical provision, given proper electric lighting, radio and communication means;
 - air traffic management, given availability of facilities and technical aids for air traffic management (hereinafter – ATM) assigned to the dispatcher offices of ATM in the area of airdrome (air complex) or accepted for equipment to the civil aviation system;
 - meteorology services – given own or leased aeronautical weather equipment based on a contract with the State Hydrometeorology Service of the Republic of Tajikistan;
 - provision of search and rescue operations, given availability of rescue aids. In addition, these types of security, as well as navigational, ornithological support, air navigation information, shall be performed given relevant specialist groups (divisions, services) with required qualification documents (certificates, diplomas, etc.) that entitle for performance of each of the indicated works;
 - provision of aviation safety given programs to ensure safety of aviation; fencing the perimeter of the airport (including the area of working sectors of localizers and glip slope bacons, ATM facilities, radio and electricity lighting equipment of airdromes, air fuel provision facilities and commercial warehouses) with preventing sellouts constraining intrusion in controlled areas, with checkpoints; additional fences in the controlled airport area at the fuel providing facilities and commercial warehouses; special premises, checkpoints for the crew members, service personnel, passengers (hand luggage, luggage), including official delegations and VIP services, in-flight reserves, mail and cargo, as well as waiting areas (sterile zones) for the passengers, who passed control;
 - protective lighting in the aircraft parking areas, territories of isolated facilities of the airport and the checkpoints; special premises (operations center) equipped with necessary operation management communication facilities for regulation of emergency situations, related to illegal interference with the civil aviation affairs; special stations for maintenance of aircrafts at illegal interference with the civil aviation affairs; aviation safety services (divisions) comprising specialists with required qualification documents (certificates, diplomas, etc.) entitling to perform such activities;
 - provision of aircrafts with aviation fuel given availability of: own (leased) facilities, facilities for storage of fuel (warehouses, central fuel depots for aircrafts, special vehicles, and other fuel filling means equipped in accordance with current standards; own (leased) laboratory for the quality control of lubricants; units (specialist group services) with specially qualification documents (certificates, diplomas, etc.) in accordance with the air transport requirements.

21. Ability of the applicant to perform these types of technical and technological provision must be certified by relevant certificates issued by the State Supervision and Regulation Service.

22. Licenses entitling for provision of services on maintenance and repairs of the aviation techniques can be issued to the applicants provided availability of:

- own (leased) production structure (organization of TOiR) and necessary ground facilities for maintenance and repairs of aircrafts and other aviation techniques;
- own (leased) system for the accounting and control of maintenance quality in accordance with provisions to ensure complete and effective control in air transportation;

- revolving fund (spare parts, complementary articles, special lubricants and liquids, consumables, etc.) and regular replenishment of the fund that allows maintaining aircrafts and other aviation techniques;

- own (leased) information system pertaining to the maintenance and repairs of the aviation techniques.

23. Ability of the applicant to perform given engineering aviation services must be confirmed by relevant certificates issued by the State Transport Control and Regulation Service.

24. Utilization of aviation in economic spheres shall cover types of work allocated to the following groups:

- works pertaining to the allocation of substances and biological facilities, including:

- cultivation of agricultural plants and carding of stands;

- fighting pests and vectors of human and animal diseases;

- recultivation of soil and strengthening dust surfaces;

- disinfection of soil and drainless water bodies;

- fighting oil spillages;

- fighting fire in forests and pastures;

- fire extinction in residential and industrial facilities;

- aerial surveying, monitoring and patrolling, including:

- regulation of snow and ice melting;

- evocation of precipitations;

- search and surveying works;

- aerial surveying;

- aero visual flights;

- aero photography.

25. Licenses for the performance of the group of aviation works outside the Republic of Tajikistan can be issued only given availability of proper invitations (contracts) from foreign organizations (firms).

Chapter 40. Peculiarities of Licensing Organization and Maintenance of Totalizators and Gambling Houses

1. Licensable type of activity: activities on organization and maintenance of totalizators and gambling houses.

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

3. Additional documents required for licensing:

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

- decision of executive authorities of cities and rayons (rayons of Dushanbe) determining the location of totalizators and gambling houses;

- certificate of sanitary-epidemiological control bodies on the compliance of premises with sanitary requirements;

- certificate of the fire safety control bodies on the compliance with the fire safety requirements;

- copies of documents confirming quality of equipment;

- legal entities arranging totalizators and gambling houses shall provide the licensing bodies with the guarantee on payment of the prize fund and gains;

- list of personnel in charge of the management and gaming at the facility to be licensed.

4. Additional licensing requirements and conditions:

- compliance of areas for visitors with the sanitary-hygiene and fire safety norms and procedures;

- meeting requirements of the law enforcement bodies to ensure security of visitors and public order;

- meeting requirements on safety of cash;

- personal registration cards of the personnel in charge of management and gaming;
- procedures, rules of games, acceptance of stakes posted in the premises for the visitors;
- availability of sufficient cash for payment of the prize fund or formation of an insurance fund;
- compliance with the rules of maintaining financial documentation and accounting;
- access to premises for the licensable activities shall be given only to persons of the age of 18 years upwards.

Chapter 41. Peculiarities of Licensing Touristic Activities

1. Licensable type of activity: touristic activities.

Touristic activities include organization of journeys, excursions and related services at the channels of entry, exit and domestic tourism (touristic agencies, tour operators, excursion organizations, hotels, camping, directly involved in the arrangement of touristic activities).

2. Licensing body: Committee on Youth, Sports, and Tourism Affairs under the Government of the Republic of Tajikistan.

3. Licensing requirements and conditions for touristic activities for legal entities and obligations of the license applicants:

- at least one employee with special education in tourism or time record of working in the tourism area for at least three years;
- upgrading qualification at least once in three years for the staff of legal entities involved directly in the arrangement of journeys, excursions, and related services;
- own or leased premises with relevant equipment;
- touristic services only after signing an agreement (contract) with the client in accordance with the requirements of the legislation of the Republic of Tajikistan;
- providing each tourist with full information on the peculiarities of departure, arrival and stay in a foreign state, behavior during touristic trips abroad;
- providing full information to clients on the working regime of the touristic service provider, its legal address, available licenses, certificates for services, last names and first names of persons responsible for specific areas of tourism;
- a copy of the agreement with an insurance company on insurance of tourists;
- availability of the system ensuring safety of tourists, provision of medical and other assistance in the case of trauma, sickness and other.

4. Licensing requirements and conditions for touristic activities provided by individual entrepreneurs:

- special training, qualification document and experience in organization of touristic routes;
- developed touristic routes;
- medical information on the health status.

5. Physical and legal persons, after obtaining licenses for touristic services, shall provide departing and domestic tourists with single format trip sheets. An entry register shall be opened for the registration of arriving tourists. Single format trip sheets and entry registers for foreign tourists shall be developed and controlled by the authorized government body on tourism for the purpose of maintaining precise statistics of touristic services. Single format trip sheets shall be compulsory documents certifying agreements between touristic agencies and tourists.

6. Licensed touristic agencies shall submit reports in writing to the authorized sector agency on the arrangement of trips for the citizens abroad or receiving foreign citizens in the country.

7. Applicants shall produce the following additional documents for obtaining a license:

- documents confirming availability of branches, representative offices and territorially isolated facilities of the legal entity, through which the agency operates, copies of regulations, decrees on the appointment of executives, power of attorneys for the managers, addresses, settlement accounts with banks;
- foreign legal and physical persons shall be given notarized documents of a foreign state or of an authorized body confirming the right of a legal or physical persons to engage in touristic

activities, legalized by the consular department of the Republic of Tajikistan abroad or relevant structures of the Ministry of Foreign Affairs of the Republic of Tajikistan.

Chapter 42. Peculiarities of Licensing Patent Agents

1. Licensable type of activity: activities of patent agents.
 2. Licensing body: the Ministry of Economic Development and Trade of the Republic of Tajikistan.
 3. Additional documents for obtaining a license:
 - a copy of the university diploma;
 - decision of the attestation commission.
 4. Additional licensing requirements and conditions:
 - university background in the area of jurisprudence, technical or natural sciences;
 - at least one year of time record in protection of industrial property facilities;
 - positive decision of the attestation commission;
 - citizenship of the Republic of Tajikistan.
- Note: "Patent agent" in this chapter shall mean "patent representative".

Chapter 43. Peculiarities of Licensing for Procurement, Processing and Sale of Scrap and Waste of Ferrous and Non-Ferrous Metals

1. Licensable type of activity: procurement, processing and sale of scrap and waste of ferrous and non-ferrous metals.
2. Licensing body: the Ministry of Energy and Industry of the Republic of Tajikistan.
3. When a licensee works in several dissociated territories, no separate licenses shall be issued. Information on such territories (address, telephone, etc.) must be indicated in license forms.
4. Additional licensing requirements:
 - expert opinion of the licensing body on the compliance of the activities conditions with the set requirements;
 - information on technical and technological security of the given type of activity.

Chapter 44. Peculiarities of Licensing Activities Pertaining to the Employment of the Citizens of the Republic of Tajikistan outside the Republic of Tajikistan and Foreign Citizens in the Territory of the Republic of Tajikistan

1. Licensable type of activity:
 - activity pertaining to the employment of the citizens of the Republic of Tajikistan, and activity related to the employment of foreign citizens in the territory of the Republic of Tajikistan;
 - employment related activities include services to the citizens of the Republic of Tajikistan and foreign citizens to support in search for wage earning employment outside the Republic of Tajikistan and in the Republic of Tajikistan, including receiving permits to work in a foreign state or in the Republic of Tajikistan, in signing employment contracts with foreign or domestic employers (as in force per the Resolution of the Government of RT No. 518 from October 1, 2007).
2. Licensing body: the Ministry of Internal Affairs of the Republic of Tajikistan (as in force per the Resolution of the Government of RT No. 518 from October 1, 2007).
3. When necessary, the Ministry of Internal Affairs of the Republic of Tajikistan, shall have the right to decide on independent expertise of submitted documents. In this case, a decision to issue or deny a license shall be taken within fifteen days from the receipt of expert opinion, but no later than 30 days from the day of application and submission of required documents (as in force per the Resolution of the Government of RT No. 518 from October 1, 2007).

4. Additional documents required for obtaining a license for activities related to the employment of citizens of the Republic of Tajikistan outside the Republic of Tajikistan:

- a copy of the license of a foreign employer for involvement of foreign citizens for work issued by the relevant body of this state (if such activity is licensed in this state);
- a foreign individual or a legal entity shall submit to the Ministry of Labor and Social Protection of RT a legalized statement from the trade register of its country on the location or other equivalent proof of the legal status according to the legislation of its country at the time of the creation of the foreign entity with the notarized translation of such documents to Tajik (Russian) language.

5. Additional licensing requirements and conditions for the performance of activities pertaining to the employment of the citizens of the Republic of Tajikistan abroad and for the involvement of foreign labor force in the Republic of Tajikistan:

- at least one specialist with higher or secondary education in the staff;
- premises, equipment, database to ensure interaction with the employment agencies;
- satisfactory financial state;
- opinion of the Ministry of Trade and Social Protection of the Republic of Tajikistan on the activities pertaining to the employment of foreign citizens in the Republic of Tajikistan (as in force per the Resolution of the Government of RT No. 518 from October 1, 2007).

6. An economic entity, which received a license for activities pertaining to the employment of the citizens of the Republic of Tajikistan abroad shall be obliged to follow the following conditions:

- registration and submission of forms to the citizens for the development of the database of candidates for employment abroad free of charge;
 - familiarizing labor migrants with the current procedure of foreign citizens' employment in these states and regulations on the immigration legislation;
 - signing employment contracts between the citizens of the Republic of Tajikistan and foreign employers, or on their behalf, positive signing of an employment contract on their behalf and submission to the labor migrant prior to the departure abroad;
 - issuing international passports to the citizens of the Republic of Tajikistan leaving abroad for work according to the legal procedures;
 - familiarization of each Tajikistan citizen willing to find wage earning employment abroad with the provisions of these Regulations, and provide them with the address and telephone number of the Ministry of Labor and Social Protection of the Republic of Tajikistan and the Migration Service of the Ministry of Internal Affairs of the Republic of Tajikistan (as in force per the Resolution of the Government of the Republic of Tajikistan No. 518 from October 1, 2007);
 - retaining copies of employment contracts signed with its involvement between the citizens of the Republic of Tajikistan and foreign employers, as well as other documents confirming the right of citizens to be employed abroad;
 - quarterly submission of reports according to the maps of statistical registration of labor migrants leaving Tajikistan for work abroad to the state agency on social protection, population employment and migration according to the established procedures;
 - not to claim prepayment, except for the service fee for assistance to the citizens of the Republic of Tajikistan in finding employment before they sign employment contracts with foreign employers;
 - mandatory utilization of the license for employment of citizens of RT abroad within one year since it was received;
 - complying with the terms of resigning employment contracts with labor migrants.
7. Economic entities that received licenses for activities related to the employment of foreign citizens in the Republic of Tajikistan shall be obliged to observe the following requirements:
- compliance with the requirements on protection of labor rights of foreign citizens envisaged in the legislation of the Republic of Tajikistan on labor and employment contracts;
 - registration of foreign citizens, who arrived in the Republic of Tajikistan for work on contractual basis within three days with the internal affairs agencies;

- quarterly submission of reports based on approved cards for statistical recording of labor migrants to the State Migration Service under the Ministry of Labor and Social Protection according to the established procedures.

8. At the request of the Ministry of Labor and Social Protection of the Republic of Tajikistan, expertise of employment contracts signed between the economic entities of the Republic of Tajikistan and the employers from other countries can also be performed by the accredited representative offices of the Ministry of Labor of the Republic of Tajikistan in other countries.

9. Suspension of the license shall not exclude performance of liabilities based on contracts with labor migrants (the Government Resolution No. 518 as in force from October 1, 2007).

Chapter 45. Peculiarities of Licensing Private Veterinary Services

1. Licensable type of activity: private veterinary services.

2. Private veterinary shall cover the following:

- private therapy, surgery, obstetric-gynecologic services;
- production and sale of biological medications, veterinary medicines, fodder and fodder supplements.

3. Licensing body: the State Veterinary Inspection Service.

4. Additional documents required for the opening of licenses:.

- certificate of the sanitary-epidemiological inspection on the compliance with the sanitary norms and rules for buildings (industrial, warehousing, office, etc.), structures, equipment for the technological processes;

- certificate of the fire safety inspection on the compliance of the premises (industrial, warehousing, office, etc.) and equipment with the requirements of technology processes;

- information on the production and technical facilities;

- certificate of relevant internal affairs agencies and health agencies of the Republic of Tajikistan on the technical state of premises for the storage of strong substances and equipment with the security alarm system;

- a certificate of state registration of veterinary medicines issued by the Center of Pharmaceutical and Medicinal Control;

- a document confirming availability of higher or secondary veterinary education.

Chapter 46. Peculiarities of Licensing Production, Import and Export of Tobacco Products

1. Licensable type of activity: production, import and export of tobacco products.

2. Licensing body: the Ministry of Energy and Industry of the Republic of Tajikistan.

3. Additional documents to acquire a license:

- entity passport;

- certificate of the sanitary-epidemiological control bodies;

- certificate of the fire inspection;

- certificate of compliance with the safety indicators on products issued in accordance with the requirements of the certification and metrology bodies.

4. Additional licensing requirements and terms:

- compliance with the production technology requirements;

- compliance with the labeling and sale requirements;

- availability of fixed assets (funds), buildings, structures, equipment, premises, including production-technology laboratory for relevant activities owned or otherwise possessed by the license applicant;

- compliance of technology equipment with the requirements on tobacco products.

Chapter 47. Peculiarities of Licensing Proctor Activities

1. Licensable type of activity: activities of proctors.
2. Licensing body: the Ministry of Justice of the Republic of Tajikistan.
3. Additional requirements and terms for issuance of a license:
 - higher legal education;
 - at least two years of experience legal practice;
 - citizenship of the Republic of Tajikistan;
 - cancelled or cleared criminal record for intentional crime;
 - positive opinion of the qualification attestation commission.

In the case of more than two complaints on reckless disregard of the licensee received by the Ministry of Justice, the license shall be cancelled.

Procedure of passing qualification evaluation, establishment of the qualification evaluation commission shall be approved by the Ministry of Justice of the Republic of Tajikistan.

Chapter 48. Peculiarities of Licensing in the Area of Education

1. Licensable type of activity: activity in the area of education (except for the state pre-school institutions and general education schools (primary, general, and general secondary schools).

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

3. Licensing of educational establishments and other organizations of independent lyceums, gymnasiums, boarding schools, colleges, national level schools, higher education (bachelor and master degree) and vocational schools, postgraduate (traineeship), doctorate, advanced training and retraining of staff, technical lyceums, vocational technical schools, scientific educational organizations and institutions, educational organizations and institutions established jointly with international organizations and established by foreign citizens, shall be performed by the body in charge of the attestation of educational establishments under the Ministry of Education of the Republic of Tajikistan.

4. Licensing of the activities of higher educational establishments of foreign states shall be implemented in accordance with the procedures set by the legislation of the Republic of Tajikistan and international legal acts recognized by the Republic of Tajikistan.

5. Licensing of non-government pre-school institutions, non-formal education centers, boarding schools, lyceums, gymnasiums, other non-government educational establishments in oblasts, cities, and rayons (except for the organizations and institutions indicated in the paragraph 3 of this Chapter) shall accordingly be performed by the education departments or units in the oblasts, cities and rayons.

6. Licenses shall entitle for work in education establishments only on areas, specialties, levels, terms, forms of education, the number of trainees and other criteria indicated in the annex to the license.

7. The following shall not be subject to licensing:

- education related activities in the form of one-off lectures, probation, seminars and other types of training that are not followed by final attestation and issue of education or qualification certificates;
- individual pedagogical activities, including vocational training.

8. Licensing of educational activities of religious education, educational establishments of religious organizations shall be performed by relevant licensing bodies depending on the level of implemented education programs.

9. The license for educational activities shall have an annex indicating the following:

- a list of education programs, areas and specialties, which are included in the entitlement for educational activities, level (degrees) and normative terms for learning;
 - qualification to be assigned upon completion of education to the graduates of educational establishments;
- normative standards and maximum numbers of trainees, students, auditors and alumnus calculated for the full-time attendance standards.

10. Additional documents for the acquisition of a license:

- an application with the list of education programs, areas and specialties for training;
- educational establishment and other organizations of occupational training shall submit an extract from the decision of the academic council (pedagogical council) on the possibility to arrange training on the main and additional programs of occupational education that are included for licensing; professional religious educational establishments and other organizations (involved in religious education) and organized by religious organizations (associations) shall represent the management of certain confessions;
- an institution with an education department in charge of occupational training shall submit additional copy of the approved regulations;
- information on the structure of the institution and other organizations of the applicant, staff numbers, estimated number of trainees, alumnus;
- information on the buildings and premises, facilities for sports, basic military training, hostels, provision of the trainees and workers with food and medical care with the submission of documents confirming the right of the license applicant to own, use or dispose required training resource base for the license duration term;
- opinion of the state sanitary epidemiological control bodies of the Republic of Tajikistan and the state fire safety inspection of the Republic of Tajikistan on the feasibility of the premises and buildings for educational process;
- information on the staffing of the education process, qualification of pedagogical staff, and terms of employment (for the license applicants with the intention to conduct training based on the postgraduate occupational training, information on the management;
- approval and decision of the government bodies in charge of education in the state of the founding university and the university branch location state (for branches of the universities of the Commonwealth of Independent States members);
- curriculum and programs implemented in occupational education;
- positive opinion of the authorized body for professional religious educational organizations and institutions (engaged in religious education) and established by religious organizations.

11. For the acquisition of a license by educational institutions and other organizations of secondary, higher, supplementary, occupational education and their branches using distance learning technologies, in addition to the documents indicated in the paragraph 10:

- general information on the educational establishment, its branches and representative offices;
- curricula and programs of occupational distance learning programs;
- information on the provision with modern information technology resources;
- information on the provision with special laboratories, classrooms, offices and publishing facilities.

12. The licensing commission, having analyzed the submitted documents, shall perform the expertise of material-technical, staff, scientific, methodical, financial capacity, provision with literature, occupational education programs, preparedness of educational institutions and other organizations to receive students and trainees.

13. The licensing commission shall analyze the main areas of the licensable educational establishment and other organizations, establish their compliance with the current regulations, and based on the above shall issue positive opinion (positive or negative) to the body in charge of attestation of educational establishments under the Ministry of Education of the Republic of Tajikistan, or regional, city, rayon departments of education.

14. Decisions to issue or deny a license shall be taken by the licensing body based on the opinion of the licensing expert commission and the decision of the council of the attestation body under the Ministry of Education of the Republic of Tajikistan, regional, city, rayon departments (units) of education.

15. Decision of the body in charge of attestation of educational establishments under the Ministry of Finance of the Republic of Tajikistan, and the draft decree to issue a license shall be submitted to the Minister of Education of the Republic of Tajikistan, and the decision of the council on attestation of educational establishments under the Ministry of Education of the Republic of

Tajikistan and the education department (unit) of the region, city and rayon, accordingly, to the head of the department and head of the education unit. After the approval of the decision of the Council and signed decree of the Minister of Education of the Republic of Tajikistan, head of the department and head of the education unit, and other organizations shall receive licenses with annexes.

16. Licensing of the educational establishments and other organizations for new education programs shall be performed regardless of existing licenses for other education programs. At that, the licensee shall submit applications and documents listed in the paragraph 10 of this Chapter and defined by the licensing bodies.

The list of new education programs shall be included in the annex to the current license.

17. The licensing body shall have the right to suspend a license fully or in part in terms of implementing educational programs indicated in the annex to the license.

Chapter 49. Peculiarities of Licensing Circulation of Precious Metals and Precious Stones

1. Licensable type of activity: activities related to the circulation of precious metals and precious stones (processing of scrap and waste of precious metals to end product, refinement of precious metals, recuperation of precious metals, cornering jewelry and other household wares from precious metals and precious stones, as well as scrap of such goods, wholesale and retail trade with precious metals and precious stones).

2. Licensing bodies:

the Ministry of Energy and Industry of the Republic of Tajikistan in charge of licensing precious metals scrap and waste processing to end product; refinement of precious metals; recuperation of precious stones;

the Ministry of Finance of the Republic of Tajikistan in charge of licensing cornering jewelry and other household wares from precious metals and precious stones, as well as scrap of such wares, wholesale and retail trade.

3. Additional documents to acquire a license for the circulation of precious stones and precious metals:

For legal entities:

- copies of documents certifying the right to use premises;
- information from the internal affairs agency on the safety of premises, and verification of the staff based on the licensing system;
- availability of special weighing devices for weighing precious metals and precious stones, and certification of their accuracy;
- availability of equipment and inventory required for work;
- for processing scrap and waste of precious metals: retort furnace, exhaust hoods, safes, and other required equipment;
- for recuperation of precious metals: microscopes, retort furnaces, drying ovens, sawmills, and other required equipment;
- for wholesale and retail trade: safes, cash registers with fiscal memory;
- for cornering jewelry and other household wares from precious metals and precious stones, and scrap of such goods: safe, set of touch-needles, test reagents, refractometers, magnifiers, and other required equipment;
- information on the professional qualification of the license applicant's staff.

2) For individual entrepreneurs:

- copies of documents entitling to use premises for performing licensed activities;
- for cornering jewelry and other household wares from precious metals and precious stones and scrap from the population, availability of equipment and inventory indicated in the part four of the subparagraph 1, paragraph 3 of this Chapter.

4. Additional licensing requirements and conditions for the circulation of precious metals and precious stones:

- availability of the state plate-mark on jewelry and other household wares from precious metals and precious stones, or a certificate of compliance (for wholesale and retail trade);
- availability of relevant premises and conditions for storage and sale.

5. The licensing body shall have the following rights in licensing processing of scrap and waste of precious metals to end products; refinement of precious metals; recuperation of precious metals; cornering of jewelry and other household wares from precious metals and precious stones, and scrap of such goods:

- performing expertise to confirm compliance of the terms of activities with the established requirements on licensable types of activities;
- defining the composition and regulation of activities of experts in charge of licensing, sending experts for the on-site expertise.

Chapter 50. Peculiarities of Licensing Activities in the Area of Television and Radio Broadcasting, and Production of Audio and Video Works.

1. Licensable type of activity: television and radio broadcasting, audio and video works.

2. Activities in the area of television and radio broadcasting, audio and video works shall cover the following:

- production of television and radio programs;
- dissemination of television and radio programs;
- production of audio and video products (production of audio (phonogram), video and audio video products).

3. Licensing body: Committee on Television and Radio Broadcasting under the Government of the Republic of Tajikistan.

4. The Committee on Television and Radio Broadcasting under the Government of the Republic of Tajikistan can delegate the authority to issue licenses to relevant subordinate departments.

5. This procedure shall apply in full in performing television and radio broadcasting using the ester, cable, wire, satellite, digital multichannel (multimedia) linkage, including internet and other types of mass media telecommunication means, as well as in the production of audio (phonogram), video and audio – video products on any type of media.

6. The effect of this procedure shall apply on all types and subtypes of activities in the area of television broadcasting, excluding activities of television and radio organizations established by the Government of the Republic of Tajikistan, as well as closed television and radio broadcasting systems (production, technology, training, scientific, service), except for the especially established systems in the hotels, hotel compounds, holiday houses, other facilities and organizations for collective reception for fee.

7. Organizers of close television broadcasting systems (production, technology, training, scientific, service, etc.) operating without a license shall have to submit written notices to the licensing body on the organization of such systems within thirty days prior to the beginning of their operations indicating the following:

- the person in charge of such operations;
- area of system service indicating maximum number of consumers;
- preliminary topic and specialization of the system.

8. Issue of the license for the operation of television broadcasting at limited radio frequency in the given area shall be performed on competitive basis according to the established procedures.

9. To acquire a license, a special form application shall be submitted to the licensing body indicating the following:

- title of the television and radio broadcasting organizations, details, information on the symbolic (call signs, labels, caption card, trademark, legal address).
- language (languages) of broadcasting;
- type of broadcasting (television, radio, production of audio, video, audio video products, etc.);
- periodicity of broadcasting (day-to-day, daily, etc., hours a day);

- program goals and objectives of broadcasting, preliminary topic and specialization of television or radio programs, broadcasting network, types of audio, audiovisual products; v
- audience (territory covered by broadcasting (city, rayon, etc.), category of viewers and listeners, for whom broadcasting is designed, sale of audiovisual products);
- broadcasting methods (on-air, cable, multimedia, wire, etc.).

10. The following additional documents shall be attached to the application:

- list of technology equipment used for television broadcasting, production of audio, audiovisual products;
- information on the financing source;
- information on the main technical indicators of the preparation means and development of television and radio broadcasting, audiovisual products;
- information on the earlier received licenses for the television broadcasting activities available with the applicant, information on the mass media established by the applicant, as well as the list of mass media (organizations), in which the applicant is a co-founder or an owner of the package of shares;
 - certificate of compliance of the indicators (parameters) of the equipment used with the standard requirements;
 - information on the dissemination of additional and secondary information in the composition of the broadcasting signal.

11. Licenses shall not be issued in the case of lack of free broadcasting frequency in the given region.

12. Dissemination (translation and retranslation) of foreign television and radio broadcasting organizations in the territory of the Republic of Tajikistan shall be performed given a license of the licensing body and based on the international legal acts on the cooperation in the area of television and radio broadcasting in accordance with the agreements between domestic and foreign television and radio broadcasting organizations.

13. Television and radio broadcasting organizations possessing own transmission means and licenses shall have to approach the Ministry of Communication in order to receive relevant licenses for the use of radio frequencies.

14. In addition to the requirements set by the legislative acts of the Republic of Tajikistan related to the television and radio broadcasting, and other mass media, licenses for the television and radio broadcasting operations shall include the following conditions:

- the license applicant (television and radio broadcasting organization) shall not change its specialization and broadcasting coverage in the process of its operations without an approval of the licensing body;
- the licensee shall not have the right to change the broadcasting channel (broadcasting frequency), transmitter capacity, disseminate its television or radio programs in the territory exceeding the coverage defined in the license;
- disseminated television and radio broadcasting and audiovisual products of the licensee shall be performed in compliance with the technology requirements;
- technical means of the licensee shall not cause disturbances and distortion, other annoyance to the audience;
- the licensee shall not conduct broadcasting in the language that is not indicated in the license;
- the licensee shall not have the right to disseminate additional or secondary information in the composition of the broadcasting signal, unless it is indicated in the license, except for the information related to the content of the main program;
- hidden assignment of the license, as well as the alienation of the license for television and radio broadcasting shall not be allowed.

15. Foreign citizens and stateless persons shall not have the right to acquire licenses for television and radio broadcasting. Licenses shall not be issued to television and broadcasting organizations controlled by foreign citizens and stateless persons. At that, in this case control shall mean determining influence on decision making.

Chapter 51. Peculiarities of Licensing of Activities on Acquisition, Sale, Use, Utilization and Disposal of Substances Destroying the Ozone Screen, and Products Containing these Substances, as well as all Types of Activities Related to the Installation, Maintenance and Repairs of the Equipment Working Using Substances Destroying the Ozone Screen

1. Licensable type of activity: acquisition, sale, use, utilization and disposal of substances destroying Ozone screen, and products containing these substances, as well as other activities related to the installation, maintenance and repairs of the equipment working using substances destroying ozone screen.

2. Licensing body: State Agency on Environmental Control and Nature Protection.

3. Additional documents to receive a license for the acquisition, sale, use, utilization and disposal of substances destroying Ozone screen, and products containing these substances, as well as other activities related to the installation, maintenance and repairs of the equipment working using substances destroying ozone screen:

- an agreement between the buyer and the entity using substances destroying ozone screen and products containing such substances, as well as equipment working using substances destroying ozone screen;

- a document certifying the need to use substances destroying ozone screen and products containing such substances, as well as equipment working using substances destroying ozone screen;

- plan of actions of the entity using substances destroying ozone screen and products containing such substances for the reduction or termination of the use of such substances;

- a document containing technical capacity in compliance with the standards (buildings, certified equipment, expert staff, qualification) in performing disposal of substances destroying ozone screen and products containing such substances, as well as equipment working using substances destroying ozone screen;

- documents confirming transportation of substances destroying ozone screen and products containing such substances, as well as equipment working using substances destroying ozone screen from the Republic of Tajikistan;

- performing other conditions and requirements of the Vienna Convention on the Protection of Ozone Screen and Montreal Protocol on Substances Destroying Ozone Screen.

Chapter 52. Peculiarities of Non-Government Pension Funds

1. Licensable type of Activity: activities of the non-government pensions funds.

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

3. Additional documents required for the acquisition of licenses for the activities of non-government pension funds:

- copies of articles of association;

- a document confirming the authorized capital.

4. Additional licensing requirements and conditions:

- a document confirming availability of office buildings for the operations of the non-government pension fund;

- individual schedules of the manager and the accountant of the non-government pension fund and financial organization.

Chapter 53. Peculiarities of Licensing Stock Market Operations.

1. Licensable type of activity: Stock Market Operations.

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

3. Additional documents to acquire a license:

- rules of exchange trade;

- a document confirming payment to the exchange equity at least 50% of the announced amount;

- a document confirming the right to use relevant premises for stock market operations.
- 4. Additional licensing requirements and conditions.
 - compliance with the rules of exchange trade;
- availability of relevant buildings for exchange trade.
- 5. The licensee shall submit quarterly information on the results of their activities to the licensing body.

Chapter 54. Peculiarities of Licensing Insurance Activities

1. Licensable type of activity: insurance
2. Private insurance shall cover the following:
 - 1) life insurance – certificate and execution of insurance contracts based on the tariff rates calculated with the actuarial methods and using the table of death rates and income rates on investment of temporarily free funds from the life insurance reserves, as well as envisage repayment of insurance amounts in the following cases:
 - death of the insured person;
 - survival of the insured person until the end of the insurance term or the age defined in the life insurance contract;
 - payment of rent income (pension) to the insured persons upon the expiry of the insurance contract term, upon achievement of a certain age, as well as in making current payments (annuities) during the term of the agreement;
 - 2) insurance from incidents and diseases – a positive opinion and execution of insurance contracts in order to receive fixed cash amount or partial and full compensation of additional costs (or a combination of both) from the risk of personal injury (sickness) of the insured person, as well as the person, in whose favor the insurance contract was signed:
 - from injury in the result of an accident or a disease, or a specific accident;
 - loss of labor capacity due to sickness, an accident, and a specific disease (except for the contracts related to the health insurance), including contracts on employee injury and occupational diseases;
 - death of the insured person in the result of an accident;
 - 3) optional medical insurance – a positive opinion and execution of insurance contracts envisaging payment of insurance compensation amounts in the size of full or partial payment of the costs of the insured person for additional treatment stipulated in the mandatory medical insurance;
 - 4) medical insurance of tourists – insurance of medical costs of the citizens leaving abroad, entering the Republic of Tajikistan, or travelling in the Republic of Tajikistan, against accidents or sudden disease;
 - 5) in the case of property insurance licenses shall be issued or the following activities:
 - insurance of land transport – insurance against losses or damage caused to land transport means;
 - insurance of air transport – insurance of airplanes, including engines, interior finishing, furniture and equipment of airplanes, etc.;
 - insurance of waterborne transport – insurance of waterborne transport used in sea and domestic waters, including engines, rigging, interior finishing, furniture, equipment of vessels, etc.;
 - insurance of freight traffic – insurance against losses or damage of transported cargo regardless of the transportation form;
 - insurance of property against fire and other threats – insurance against losses or damage of the property other than the property indicated in the subparagraphs one, two, three and four of this paragraph due to fire, storm, explosion, ground depression, impact of atomic energy and other natural disasters;

- insurance against commercial and financial risks, positive opinion and execution of the following insurance contracts: risks of insured persons incurred due to bankruptcy of their debtors or incapacity (except for insolvency) of debtors to pay their debts within the agreed terms; risks of losses incurred by insured persons due to outages during their operations or reduction of their operations;

risks of losses by insured persons due to the occurrence of unexpected expenditures; risks not covered by the first, second, and third subparagraphs of this paragraph and not considered as risks, hence, a positive opinion and execution of insurance contracts comprise other types of insurance activities;

- insurance against the risk of legal costs, including legal costs;

- other types of property insurance, in addition to those listed in the subparagraphs of this paragraph;

6) in insuring responsibilities licenses shall be issued for the following types of insurance operations:

- insurance of the civil liability of the transport owners – a positive opinion and execution of contracts on insurance against losses and damage occurring due to the use of transport means overland, and related to the liability of the transport owner in accordance with the civil legislation of the Republic of Tajikistan to compensate damage incurred to third parties.

- insurance of the liability of air transport owners, positive opinion and execution of contracts on insurance against losses and damage occurring due to the use of aircrafts and related to the owner's liability in accordance with the civil legislation of the Republic of Tajikistan, compensate damages incurred to third persons;

- insurance of the liability of the owners of waterborne transport – insurance against losses and damage caused due to the use of waterborne transport and related to the liability of the owner of waterborne transport in accordance with the civil legislation of the Republic of Tajikistan to compensate damage incurred to third parties;

- insurance of professional responsibility – a positive opinion and execution of contracts on insurance of property interests of physical persons pertaining to the liability of the insured person according to the civil legislation of the Republic of Tajikistan to compensate for the damage caused by third persons during the execution of professional activities by the insured person, such as notary, medicinal, and other types of professional activity;

- insurance of responsibility of entities that represent sources of heightened danger – insurance of property interests of persons, in whose favor the insurance contract was signed, and related to the liability of this person according to the civil legislation to compensate the damage caused to the environment and third parties;

- insurance of other types of responsibilities – insurance against risks for persons insured against the responsibility to third parties, against other risks indicated in this paragraph.

3. Licensing body – the Ministry of Finance of the Republic of Tajikistan.

4. Additional documents for receiving a license:

- a feasibility study of the insurance organization's activities that defines ways of achieving goals envisaged in the statutory documents;

- conditions or rules of insurance;

- information on the insurance tariffs;

- information on the members of the insurance organizations possessing 10 and more percent of the shares in the insurance organization;

- list of the management members, including their names, as well as data on their compliance with the reliability requirements and the level of the set qualification requirements.

5. The insurance company established based on foreign investments shall be obliged to submit the following additional documents in order to obtain a license for insurance activities:

1) a foreign insurance company shall be obliged to submit the following:

- decision of a relevant foreign insurance organization's body on its involvement in the establishment of an insurance organization in the territory of the Republic of Tajikistan;

- a written confirmation of the authorized body of the relevant foreign state on the fact that the foreign insurance company possesses a valid license for insurance activities indicating types of insurance activities. This document shall be legalized according to the established order.

- officially published balances for the three previous years;

2) foreign citizens:

- bank statement or a different official document confirming financial sustainability of the individual entrepreneur.

6. Additional licensing requirements and terms:

- exercising types of insurance activities stipulated in the license;

- compliance with the rules related to the establishment and use of insurance reserves and the statutory fund;

- non-reduction or non-increase of insurance tariffs without coordination;

- fulfillment of liabilities by the insurers;

- timely provision of information on amendments introduced in the statutory documents.

Chapter 55. Peculiarities of Licensing Activities of the Professional Security Market Participants

1. Licensable type of activity: professional activities of the members of the securities markets.

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

3. Heads and specialists must satisfy the following qualification requirements:

1) higher education – for a head of a legal entity and an individual entrepreneur;

2) higher or special secondary education – for specialists.

4. License applicants involved in depositary operations shall submit the following additional documents:

- information on the physical infrastructure of the license applicant;

- information on the terms for protection of shares or share certificates;

- information on the provision of the security system, i.e., installation of signalization, code locks, protection of hardware;

- information on the provision of the communication system between the depositary units, the depositary and other participants of the market;

- information on the terms of protection and safety of computer information;

- data on the information storage systems, including methods of storing depositary records used by the depositary for depositary operations;

- information on the provision or ensuring coverage to compensate losses on the client's assets.

5. For the arrangement of intermediary transactions at the securities markets, the following additional documents shall be submitted:

- security trading rules;

- procedures of information storage and protection;

- listing and delisting rules;

- procedure of the information disclosure.

6. Additional licensing requirements and terms:

- operations with securities in accordance with the established procedures;

- submission of the report on operations in the securities market to the licensing body;

- performing security transactions during one year from the receipt of the license;

- performance of the transactions not prohibited by the legislation of the Republic of Tajikistan.

SECTION III. A LIST OF SPECIAL ACTIVITIES REQUIRING THE LICENCE

Chapter 56. Licensing peculiarities of lending institutions (including banking institutions)

1. Activities to be licensed:

- activities related to banking transactions;
- activities related to foreign currency transactions.

2. The license shall describe banking transactions and types of activities stipulated in Article 2 of the Law “On banks and banking” and articles 20 and 35 of the Law of the Republic of Tajikistan on microfinance institutions that banks, non-banking finance institutions, micro crediting deposit institutions and micro lending institutions are authorized for, as well as foreign exchange used to carry out above transactions.

3. License issuing authority: national Bank of the Republic of Tajikistan.

4. Licensing procedure of activities related to banking transactions based on foreign exchange shall be regulated by the legislation of the Republic of Tajikistan on banks and banking, foreign exchange regulation and foreign exchange control.

5. License fee shall be applied for licenses issued for banking transactions within the amount of 50 minimal salaries.

6. License fee shall be applied for licenses issued for foreign exchange transactions within the amount of 50 minimal salaries.

Chapter 57. Licensing peculiarities in production and trade of ethanol, liquor and alcoholic beverages

1. License requiring activity: operations in the area of production and trade of ethanol, liquor and alcoholic beverages.

2. Production and trade of ethanol, liquor and alcoholic beverages envisage following activities:

- production, import, export and whole-sale of ethanol;
- production, import, export and whole-sale of liquor;
- retail sale of alcohol beverages (including bottling);
- production, import and export of beer;
- production and whole-sale beverage production.

3. License issuing authority: Ministry of Energy and Industry of the Republic of Tajikistan.

4. Additional documents required for obtaining licenses:

1) For manufacturers:

- plant certificate;
- positive sanitary and epidemiology opinion;
- positive fire inspection opinion;

- conformity certificate on safety parameters for the products issued based on established procedure by certification and metrology;

2) For retail sale:

- resolution of public executive authorities of cities and rayons (rayons of Dushanbe) stipulating dislocation sites of alcohol beverages whole sale dislocation sites.

5. Additional license issuing requirements and provisions:

1) For manufacturers:

- abidance by production technology procedures;
- credibility of reports on production, ethanol residues, liquor and alcohol beverages;
- abidance by marking and sales regulations,

- available to a fellow applicant a license in his disposition or other legal form of capital assets ownership forms (premises, structures, equipment, venues, including technological laboratory);

- technological equipment shall comply with standards applied to production process of beer, wine, champagne, liquor and vodka, cognacs, ethanol and other alcoholic beverages;
 - existing production of recordkeeping devices, installed in technically feasible facilities and designed to monitor production capacities for tax collection;
 - abidance by state standards, normative and technical terms;
 - consumption of ethanol by designation;
 - carrying out license authorized activities as of the moment of obtaining the license;
- 2) For retail sale of alcohol beverages:
- available conformity certificate for sale of alcohol products;
 - available excise marks for alcohol beverages;
 - available venue for trading, owned or otherwise legally assigned: venues, stores, kiosks, storages, outlets or fixed public catering facilities;
 - conditions of trading venue ensuring environmental safety, life and public health safety, as well as assuring quality of beverages sold;
 - available invoice;
 - sale of alcohol beverages based on excise marks.
6. License fee is established for issuing licenses to companies trading ethanol, liquor and alcohol beverages irrespective of forms of ownership within the amount of 70 minimal salaries for each license effective year.

Chapter 58. Licensing peculiarities in the area of electric communication

1. License requiring activity: activities related to electric communication.
2. License for certain activities in the area of communication can be general and individual.
 - 1) General license includes:
 - personal world communication-satellite services;
 - intercity telephone communication services via operator network;
 - international telephone communication services via operator network;
 - trunking communication services (disaggregated by each standard);
 - telemathic services (except for IP-telephony);
 - data transmitting services (including telegraph communication and IP-telephony) via operator network;
 - network production, manufacturing and installation services, electric communication systems and facilities, radio communication and transmission, TV;
 - hook-up, commissioning and technical maintenance of mini ATC;
 - hook-up, commissioning and technical maintenance of radio-electronic facilities (radio stations, satellite and radio-telephones, land stations, radio modems, etc.).
 - 2) Individual licensing includes:
 - engineering, construction, operation of networks and communication facilities (including provision of channels and communication circuits);
 - local telephone communication services;
 - intercity telephone communication services;
 - international telephone communication services;
 - data transmission services (including telegraph communication and IP-telephony);
 - common use mobile cellular communication services, disaggregated by each standard;
 - personal radio communication services;
 - TV and radio transmission network leasing services.
3. License issuing authority: State monitoring and regulating body in the area of communication and informatization
4. In addition to information stipulated in paragraph 1, Chapter 3 of this Provision, the form of the license includes information on:

- license category (standard or individual);
- number of telephone, fax and, E-mail;
- licensed territory.

5. Standard license shall contain following requirements and provisions:

- type of activity in the area of communication, authorized under the license;
- territory, covered by the license;
- license expiration date;
- procedure and terms of submitting license performance reports based on the templates designed by license issuing body;
- procedure and terms of payment of quarterly license fees established for issuing license;
- ensuring certification of technical communication facilities in a manner, established by the legislation of the Republic of Tajikistan;
- ensuring existing quality standards of services delivered in compliance with licensed activity;
- delivery of service procedures, tariffs and reference data to users, including via mass media;
- ensuring confidentiality of telephone communications, telegraph and other communications transmitted via network, information security, including security and safety of communication facilities; provision of inquired information on licensee.

7. Licensee shall be liable for submitting financial and statistical information in an established format to an authorized body on a quarterly basis no later than 10th of each month of subsequent quarter.

8. Licensee shall be liable for ensuring confidentiality of communications transmitted via its networks, and other relevant data, if not otherwise envisaged by the legislation of the Republic of Tajikistan.

9. Licensee shall be liable for providing copies of the license at the facilities and customer service sites.

10. Licensee shall submit information on terms, conditions and scopes of services delivered when due upon request of the license issuing body.

11. Individual license shall include following terms:

- type of an activity in the area of communication, authorized under the license;
- licensed territory;
- technical specification of the equipment (norms and standards), communication facilities used for creating network and structures;
- designated frequency nominal (number of TV channels, standard of radio mobile communication and wireless access, etc.);
- procedure and period of submitting licensee performance reports in the templates, established by the license issuing body;
- procedure and period of quarterly license fee payments for provision of license;
- network organization and development plan (exploration of coverage areas, increasing transmitter capacities, number of subscription, etc.);
- ensuring certification of technical communication facilities in a manner, established by the legislation of the Republic of Tajikistan.
- ensuring existing service quality standards;
- procedure of integrating licensee's network to the public domain;
- procedure of intercity and international telephone tariffs output, use of phone codes, numeration;
- communication facilities performance requirements in the interests of security and defense capacity of the state, law-enforcement bodies and in carrying out important public and political events, including technical maintenance of operative search actions;
- frequency designation procedure;
- delivery of the service procedures, tariffs and reference data to users, including via mass media;

- ensuring confidentiality of phone conversations, telegraph and other communications, transmitted by communication networks, information security, including security and safety of communication facilities and sites;

- set-up and operation of communication networks during emergencies;
- design and construction of communication networks, structures and facilities;
- ensuring coordination with operational and technical management system;
- sharing information inquired on licensee's activities;
- available technical opinion of an authorized body for network maintenance, expansion and commissioning of a new equipment;
- providing access to public domain on a fair and non-discriminating basis.

12. Licensee shall be authorized to accommodate its technical facilities in required places, install and manage cable and radio relay lines and associated equipment envisaged to link base pages with network switchboard equipment and to any other networks upon agreement with parties concerned.

13. Licensee shall be liable for providing communication services compliant with network development strategy.

14. In commissioning new equipment and expanding the network, the licensee shall obtain respective authorization and technical opinion of the authorized body.

15. Licensee shall be liable for using equipment consistent with international standards and with available conformity certificates, issued by the authorized body of the Republic of Tajikistan.

16. Licensee shall provide quality cellular communication services that would not accede 5 % of turndowns. Licensee shall submit the licensor monthly report on a number of turndowns.

17. Licensee of international phone communication services shall abide with following extra services:

- organized under its structure international communication network shall have minimum one international phone station (IPS), central international stations in provinces of the Republic of Tajikistan;

- facilities in use shall comply with international standards, adopted by the Republic of Tajikistan and have conformity certificates;

- International phone stations (IPS) shall be linked at least to two central international communication networks and linked directly;

- international telecommunication network shall have a technical capacity to provide long-distance connection to any subscriber set;

- international and intercity telecommunication networks shall be managed out of switchboard center within Republic of Tajikistan.

Operator of local public telephony can obtain an individual license for providing international telecommunication services on condition that:

- services were being provided based on own technical resources in no less than 3 provinces of the Republic of Tajikistan prior to the period when international and intercity telecommunication services to subscribers are initiated;

- within the area of license coverage communication carrier shall install subscriber sets (terminals) in local communities.

18. Licensee shall abide by following rules;

- facilities used for network organization and services (IP telephony) shall comply with international standards and have conformity certificate issued by public inspection and regulating authority in the area of telecommunication and information;

- facilities shall support minimum 2 % of SIP or H.323 protocols;

- facilities shall support one of the codes G.711, G.726 or G.728;

- IP-telephony network shall be set based on recommendations of International Telecommunication Union ITU- T, H.323 or SIP, following devices hooked up via IP-telephone consist of:

- gateway;

- gatekeeper;

administration manager;

- IP-telephony services shall comply with MOS criteria, while quality of IP-telephony services shall be consistent with following criteria:

Pure signal;

Transmitted voice package shall not exceed 2 % of total package transmitted;

Interval between communication of the first subscriber and hearing time of the second subscriber shall be no less than 150-200 ms;

Transition density shall not exceed 16 kb/s.

19. License issuing body shall introduce amendments in licensing regulations due to adoption of new standards, norms and terms of communication network operation.

20. License issuing body shall inform the licensee on the terms and procedure of implementing above new amendments.

21. Based on fellow licensee application individual license shall be issued for the period of 3 to 5 years.

22. License shall not be required if:

- activity is related to disaster-control operations, epidemics, major accidents, threatening population's well-being and requiring rescue and accident recovery works;

- set-up and operation of telecommunication networks is envisaged for the purposes of public administration, defense, security and law enforcement;

- in setting up interagency telecommunication network.

23. operations in the area of communication that requires the license can be carried out throughout the Republic of Tajikistan; except as otherwise provided in the fellow licensee application and if radiofrequency and numeration resources are available.

24. To obtain an individual license a fellow licensee shall submit following documents;

- a list of technical communication facilities with specifications, range and radio frequency ratings (if used);

- telecommunication networking program and network expansion forecast indicating a number of subscribers, scope of traffic gated via long-distance terminals, systems and data transmission networks, coverage range, and technical specifications of specific networks or communication structures;

-documents verifying fellow licensee's capacity to meet licensing terms;

- feasibility study of operations to be implemented in the telecommunication area;

- executive summary reflecting on such technical issues as key principles and communication chart, features of equipment and services used and performance indicators as income and expenditure, benefits and payback time;

- positive opinion of respective authorities on the use and monitoring of radio frequencies in the Republic of Tajikistan, authorization for using communication electronics;

- in the event of presumed deployment of equipment, owned by other entity, confirmation of the rent(right of enjoyment)on this equipment shall be submitted. Confirmation can be submitted in a form of a contract or its copy authenticated in an established manner.

25. For obtaining general license, fellow licensee of the license shall submit to an authorized body documents envisaged in paragraph 1, Chapter 7 of the general part of this Regulation.

26. License shall not be issued if certain types of activities are restricted by the normative and legal act of the Republic of Tajikistan for present category of entities or communication systems and services, given existing technical restrictions and radio frequency restrictions, insufficient numeration resources, and if application is submitted for provision of services temporary restricted by the legislation of the Republic of Tajikistan.

27. License for electrical trace can be issued on the basis of bids under the legislation of the Republic of Tajikistan.

28. Licensing for electrical trace shall be subject to quarterly license fee in amount of 1 % of licensee's profits accrued in the state budget and used for maintenance of the license issuing body and technical facilitation (modern meters and technology).

Chapter 59. Peculiarities of mining licensing

1. Licensing activity: activities related to the use of mining resources.
2. Activities related to the use of mining resources shall include:
 - geological survey, including exploration, appraisal and prospecting of properties of mineral resources and other geological studies;
 - mining;
 - deployment and processing of mining wastes;
 - use of commonly prevailing minerals;
 - collection of mineralogical, paleontological and mining materials.

Note: Operations related to excavation of subterranean waters shall be carried out on the basis of authorization issued for specific water use purposes.

3. Licensing authority:

The Government of the Republic of Tajikistan (executive licensing body – chief Geological Department under the Government of the Republic of Tajikistan – on prospecting, evaluation and exploration of geological mining deposits and collection of mineralogical, paleontological and mining materials; Ministry of Energy and Industry of the Republic of Tajikistan on extraction of oil, gas and coal; on the use of other mineral and non-mineral deposits, including use of mining and processing wastes);

Ministry of Energy and Industry of the Republic of Tajikistan on the use of commonly prevailing minerals;

4. Extra documents required for obtaining the license:

- approval of local executive authorities of the government;
- certificate of technical, technological and human resource capacities except for voluntary bringers;
- certificate of cost-performance ratio of operations over 5 year period except for new-starters in the areas of mining and voluntary bringing;
- certificate of geological identification rate of the licensed area,
- business-plan on developing the area under license, except for voluntary bringers;
- contract on supply of raw minerals and marketable product produced in the event of extracting precious metals and stones, concluded with specially authorized body with view of contributing in the State Fund of precious metals and stones of the Republic of Tajikistan.

5. License authorizing regional geological and geophysical operations, geological filming, prospecting and exploration, carried out at the expense of state budget, engineering and geophysical surveys, scientific, paleontological and other works aimed at overall study of mines, geological operations as regards earthquake forecasting, set-up and administration of environmental monitoring, monitoring of subterranean waters, as well as other operations, carried out with no significant infringements, shall not be required. Above works shall be registered in an established manner at the State Fund for Geological Data of the Republic of Tajikistan under Chief Geological Department of the Government of the Republic of Tajikistan.

Geological exploration of mining properties requires an authorization to do geological filming, prospecting, exploration and evaluation of properties with mineral resources.

In the event if over the exploration and evaluation process, capacities of mining property are gone beyond the designated by the license geological area, licensee shall have the right to apply for expanding the area under license in such a manner that it includes entire property.

Once state evaluation of geological data on reserves of minerals in the area under exploration license is made, holder of the license having invested in geoexploration works at own expense, shall enjoy priority right for obtaining a mining license. This right shall be forfeited if it was not used within 2 years after verifying mineral reserves of the explored property.

Mining license shall entitle to explore (within concession) and process tailings produced by the mining company and other associated productions.

The license can be issued effective entire property or its parts. Development of the same property by different users shall be carried out based on coordinated technological schedule, precluding irrational use of mines. Coordination of efforts of mine users shall be delegated to one of the companies that other companies entrust functions of coordinators to. Above provision is described in the body of the mining license.

Regularly, the license is issued for only one property. In exceptional cases one license can be issued for a group of small properties, located in a similar mining and geological conditions merged for comprehensive development, if it is found economically feasible to have implemented overall development of deposits by the same mining company.

6. Mining license shall be issued by the Government's Resolution of the Republic of Tajikistan based at the suggestion of the executive licensing body. As regards commonly prevailing minerals, authorization shall be provided by the Ministry of Energy and Industry of the Republic of Tajikistan and license shall be issued by this body.

7. Invitation on issuing mining license shall be coordinated with following ministries and agencies:

- Ministry of Economic Development and Trade of the Republic of Tajikistan, Ministry of Justice of the Republic of Tajikistan, Ministry of Finance of the Republic of Tajikistan, Ministry of Agriculture and Environment of the Republic of Tajikistan and Chief Department for state inspection on safety management and mining surveillance under the Government of the Republic of Tajikistan as regards exploration, evaluation and prospecting of geological properties and collection of mineralogical, paleontological and geological materials;

- on gas, oil and coal mining, the use of other mineral and non-mineral mines including mining waste management with the Ministry of Economic Development and Trade, Ministry of Justice, Ministry of Finance, Ministry of Agriculture and Environment, Land Management, Geodesy and Mapping Agency under the Government of the Republic of Tajikistan, Chief Department for state inspection over safety of mining operations and mining surveillance under the Government of the Republic of Tajikistan and Chief Geological Department under the Government of the Republic of Tajikistan.

8. As indicated in the license mining properties shall be assigned for use by lots in the shape of geometric mining blocks, fixated by mining and geological concessions.

9. Authorization for the use of the land plot shall be provided once the license and land concession was obtained, as established by the legislation of the Republic of Tajikistan.

10. For mining of minerals on the basis of voluntary bringing, mining and land concession shall not be required, while it requires authorization of local executive bodies.

11. Size of special charges shall be stipulated in the Contract for land use based on the procedures established by the Government of Tajikistan.

12. Validity of license shall be established by the license issuing body in conformity with the stipulations of the Law on Licensing of certain types of Activities of the Republic of Tajikistan and be extended based on Chapter 6 of this Regulation. In extending validity dates of the license, progress report of mining operations performed by the land user, environmental measures and timely payment of charges for the land use are considered for.

13. The license comprises 2 parts: Cover page and the content (provisions) of the license (Annex 2). Mining and geological concession papers, issued under the established procedure, shall be enclosed to the license.

14. Mining license issuing procedure shall be based on direct negotiations and bidding process in an established manner.

15. Bidding process in licensing shall be selected when there is more than one candidate for the same property.

16. Once an application is submitted, the land user shall be provided with brief geological data on the property of interest for the applicant to make business-plan or cost analysis of mining operations.

17. License, issued for mining within one month period shall be registered in the Ministry of Agriculture and Environment of the Republic of Tajikistan, Chief Department on state inspection over safety of operations in industry and mining surveillance under the Government of the Republic of Tajikistan, State Fund of geological data of the Republic of Tajikistan and complete package of documents shall be given to the licensee for custody.

18. Once the license is issued, its holder shall have the right to obtain necessary geological data on the provided property on a paid basis. In the event of lack of available reports, copies of materials (reports), at licensee's expense shall be provided.

19. The size of license fees for issuing mining license shall be fixed and once-only payment to be paid at following rates:

- For geological exploration, evaluation and prospecting eighty minimal salaries;
- for collection of mineralogical, paleontological and mining materials twenty minimal salaries;
- for oil and gas mining one hundred minimal salaries;
- for coal mining eighty minimal salaries;
- for the use of other mineral resources one hundred minimal salaries;
- for the use of non-mineral resources eighty minimal salaries;
- for the use of tailings of mining and processing sixty minimal salaries;
- for the use of commonly prevailing minerals forty minimal salaries;
- for mining of minerals on the basis of voluntary bringing sixty minimal salaries.

Note: For obtaining the license for activities comprised of several types of works, a charge of higher rate shall be applied.

20. Licensee shall commence operations under the license within maximum 1 year from the registration date.

Chapter 60. Licensing peculiarities on enjoying facilities of flora and fauna registered in the Red Book of the Republic of Tajikistan

1. Types of activities requiring licensing: activities related to the use of facilities, registered in the Red Book of the Republic of Tajikistan.

2. License issuing authority: State Inspection Agency on exploitation and protection of nature.

3. License on the use of facilities of flora and fauna registered in the Red Book of the Republic of Tajikistan shall be issued according to quota that is annually endorsed by the Government of the Republic of Tajikistan and consistent with the legislation of the Republic of Tajikistan.

4. Terms and types of extracting objects of fauna shall be determined based on the purpose of their exploitation and not inflict damage to natural reproduction of these species and their habitat.

5. Tools and approaches of finding animals introduced in the Red Book of the Republic of Tajikistan to ensure selectivity of actions, reduce physical injury to other animals and minimize violation of their peace.

6. For providing the license for exploitation of forest resources, objects of flora and fauna, license fee in the amount of 50 minimal salaries shall be applied.

Chapter 61. Licensing peculiarities of works and services in the area of atomic energy

1. Type of activity to be licensed: works and services in the area of the use of atomic energy.

2. Activities, works and services in the area of the use of atomic energy shall include:

- generation of atomic energy;
- sale of atomic energy;
- application and transportation of atomic energy.

3. License issuing body: Academy of Sciences of the Republic of Tajikistan.

4. Additional relevant details on exploitation, production and application of atomic energy, described in the body of the license.

5. Additional documents required for issuing the license:

- positive opinion on sanitary and epidemiology surveillance as regards eligibility of premises and communication systems, special transport facilities, used to implement stated activities, on existing safety equipment and coating;
 - copies of conformity certificates issued by certification authorities as regards products produced, manufactured and used , including its transportation;
 - for foreign citizens, a document confirming notification of founding papers of a fellow licensee under established procedure;
 - a copy of efficiency certificate of the Agency on nuclear and radiation safety under Academy of Sciences of the Republic of Tajikistan;
 - positive opinion of health facility on mental health of the manager and contractors of given type of works.
6. Additional licensing requirements:
- available documents verifying eligibility of supervisors and contractors with specific qualification requirements that ensure adequate implementation of claimed activities.
 - available facilities consistent with sanitary and hygiene and engineering standards and regulations, envisaged for works performance and technical facilitation.
 - available accreditation certificate of the Nuclear and Radiation Safety Agency under Academy of Sciences of the Republic of Tajikistan.
7. Specific requirements to facilities shall be established by technical regulations and other normative documents under the legislation of the Republic of Tajikistan.
8. License fee shall be charged at the rate of twenty minimal salaries for issuance of the license.

Annex 1

To paragraph 8 of the Regulation on licensing peculiarities of certain types of activities

PROCEDURE

Of assigning accountability level in issuing license for road related activities

I. General Regulations

1. Critical Rating of works in hand shall be assigned at issuing license for road and engineering works depending on licensee's capacities to accomplish certain scope of operations.
2. Evaluation criteria shall include:
 - available professional personnel, including those with qualification certificates;
 - available technical and other necessary equipment;
 - expertise and terms of work;
 - quality control management;
 - new technologies development;
 - computerization;
 - available accredited testing facilities;
 - conformity certificates for products;
 - quality systems certificates;
 - quality of works in hand,
3. Licensee shall have the right to execute targeted works of Critical Rating indicated in the license. Scope of works in the facilities of a higher or lower Critical Rating shall be restricted. Newly established agencies can be issued license for the works under Critical Rating IV. In order to operate at Critical Rating I, II and III it shall be necessary to have full time technical and engineering specialists with qualification certificates and qualified labor for all requested jobs, as well as available machinery, equipment and mechanisms.

Critical Rating of types of activities and works during license validity can be decreased if terms of licensing are not followed or increased if claimed by the licensing entity in the event of positive appraisal report.

II. Critical Ratings of road facilities and types of works

Design, engineering and maintenance works, highway, railroad and road facility rehabilitation works:

1. Critical Rating I:

- design of principal structures (bridges over 40 m of length, tunnels, galleries, motor highways and railroads, including airports and airdromes);
- engineering of bridges over 50 m length, tunnels, galleries, roads category I, Ia и 16, construction of railroads, airports and airdromes.

2. Critical Rating II:

- design works (bridges over 50 m of length, roads and streets of category II и III, municipal streets, pipelines, overhead roads from 0-100 m.);
- processing of road face and concrete

3. Critical Rating III:

- design works,
- construction of bridges up to 30 m.;
- construction categories III and highland express roads, construction of non-public roads.

4. Critical Rating IV: inter-block driveways, inter-farm motor ways, access roads up to 1 km., water discharge pipelines across motor roads for discharge of non-mudflow prone watercourses with up to 5 kb.m./sec. of water flow, infrastructure development.

Analysis of technical conditions of structures and formations:

5. Critical Rating I: detailed analysis of Critical Rating Facilities and constructions as regards their bearing capacities and operation costs, design and blocks testing, research works, technical reinforcement, reconstruction and rehabilitation solutions.

6. Critical Rating II: preliminary survey of constructions and structures with assessment of their physical conditions followed by an opinion and recommendations on reconstruction and reinforcement of constructions.

7. Critical Rating III: urgent appraisal of constructions and structures including their physical conditions and followed by an opinion based on optional long term operation and reconstruction of non wearable constructions.

8. Critic Rating IV: visual assessment of constructions and structures followed by works and damage report development for carrying out current and capital renovation.

Annex 2

To paragraph 14 chapter 65 of Regulation on Peculiarities of Certain Types of Activities

Type of mining license issued in the Republic of Tajikistan

EMBLEM
LICENSE
FOR MINING, Republic of Tajikistan

Issued by the Government of the Republic of Tajikistan

(mane of the mine user)

Property _____
(name of the property, minerals)
For _____
(type of license)

License validity:
To be commenced " ____ " _____
Expired on " ____ " _____

Serial number _____ № _____
On behalf of the Government of the republic of Tajikistan _____

(position)

(last name, name, patronymic, signature)

Annex to a license
Serial number _____ № _____
The Government of the Republic of Tajikistan is hereby providing the license

Serial number _____ № _____ for the use of mines

(name of mine user)

(type of property and minerals)

Content of the License
(Licensing requirements)

1. _____
(data on mine user)
2. _____
(earmarked works, related to type)
3. _____
(dimensions of the mining property provided)
4. _____
(dimensional area of the allotment)
5. _____
(License validity)
6. _____
(mine use and land use fees)
7. _____
(mining scopes of mineral resources)
8. _____
(shared ownership of share products)
9. _____
(access to data, gathered over mining process)
10. _____
(Safety and Environmental commitments and policy)

- 11. _____
(monitoring procedure)
- 12. _____
(provisions for license renewal)
- 13. _____
(scopes and types of production and industrial tailings discharged to the earth
_____ Sewage waters environmental impact assessment)
- 14. _____
(other provisions)

On behalf of the Government of the Republic of Tajikistan

_____ (position)

_____ (Last name, name, patronymic, signature)

" _____ "