

THE DECISION THE CABINET OF AZERBAIJAN REPUBLIC N 15

Baku on January, 22nd, 1998

ABOUT THE STATEMENT OF RULES OF DELIVERY THE SPECIAL PERMISSION (LICENSE) ON INDUSTRIAL CULTIVATION AND JOB WATER ANIMALS AND FISHES

To execute the Decree of the President of the Azerbaijan Republic from 4 October, 1997 N637 "About the statement of the list of kinds of the activity demanding the special permission (license)", the Cabinet of the Azerbaijan Republic decides:

1. To confirm "Rules of delivery of the special permission (license) for industrial cultivation and catching water animals and fishes" it (is applied).
2. The present Decision comes into force from the date of signing.

The Prime minister of the Azerbaijan Republic

A.RASI-ZADE

It is confirmed

The Cabinet decision

The Azerbaijan Republic

N 15 from January, 22nd, 1998

RULES

DELIVERIES OF THE SPECIAL PERMISSION (LICENSE)

ON INDUSTRIAL CULTIVATION AND CATCHING OF WATER ANIMALS AND FISHES

I. General provisions

1.1. The present Rules are developed according to the Law

The Azerbaijan Republic "About enterprise activity", "Position about delivery of the special permission (license) for some kinds of enterprise activity", the confirmed Decree of the President of the Azerbaijan Republic from January, 27th, 1997 N543, and also the Decree from October, 4th, 1997 N637 "About the statement of the list of kinds of the activity demanding the special permission (license)", also define rules of delivery of the special permission (license) (further - "license") on employment by activity on industrial cultivation and catching water animals and fishes.

1.2. According to the present Rules, the license which is given out by the Ministry of Economics of the Azerbaijan Republic, is the official document which resolves to legal bodies, irrespective of pattern of ownership and the organizational-legal form, and also to the physical persons who are engaged in enterprise activity without creation of the legal person (further "applicants") to carry out following kinds of activity:

1.2.1. Industrial cultivation and catching water animals;

1.2.2. Industrial fish culture and fishery.

On each kind of activity the separate license stands out.

At versatile (multi-purpose) activity legal or physical persons, they can have some licenses.

1.3. Only on receipt of the license, according to the present Rules, the applicant can be engaged in the kinds of enterprise activity specified in this license, when due hereunder and terms.

1.4. Foreign legal and physical persons, branches and representations of foreign legal bodies, in the absence of the interstate agreement establishing a recognition in the Azerbaijan Republic of licenses, received in the country for employment by an activity kind specified in the present Rules, according to the present Rules, should obtain the license for employment by the given kind of activity.

1.5. The licensee can use the given out license (a license copy) itself, can't transfer to its other persons, action of this license doesn't extend on the legal bodies who are founders of the owner of the license, other persons who are carrying out joint activity with the owner of the license, including, according to the contract on cooperation, the prisoner with it.

License transfer it is temporary to the person operating on behalf of the licensee, according to the individual labor agreement (contract) or the contract-task, it is considered license transfer to other person.

II. The Licensing procedure

2.1. For reception of the license the applicant represents following documents to the Ministry of Economics:

2.1.1. The statement on licensing.

In the statement the following is reflected:

For legal bodies - the name, organizational legal form, the legal address, number of the settlement account and the bank name, an activity kind *);

For physical persons - a surname, a name, a patronymic, the given identification cards (a series, number, when by whom it is given out, the address), an activity kind *);

*) If the kind of activity specified in the statement is carried out on territorially isolated objects, in the statement is underlined quantity and the address of these objects.

2.1.2. A copy of constituent documents of the enterprise;

2.1.3. A copy of the certificate on the state registration

The enterprises;

2.1.4. The testimony (copy) on acceptance on the account tax departments of the physical persons who are engaged in enterprise activity;

2.1.5. The document confirming payment of the state tax on licensing;

2.1.6. A copy of the document confirming the right of the applicant on using by each object, specified in the statement (the property right, rent, using and other bases);

2.1.7. Following documents on necessary conditions **) for licensing:

**) to these conditions there should correspond each object which will be engaged in the kind of activity specified in the statement of the applicant.

The document of the Register of sea navigation or the state inspection on small size vessels about the right to swimming of catching vessels and motor boats;

Name of water basins and form bio fishery, which is planned to work on breeding and catching of aquatic animals and fish;

At desire to be engaged in activity on adaptation to Wednesday and acclimatization in animal husbandry and fishes - the biological substantiation assured by Academy of Sciences.

2.2. To demand from the applicant the documents which have been not provided by the present Rules, it is forbidden.

2.3. The statement and the documents provided by the present Rules presented for reception of the license, are registered the Ministry of Economics of the Azerbaijan Republic in the special book, are considered and, in the absence of lacks or the bases for refusal, not later than 15 days from the date of reception, the decision on licensing is made.

At detection of lacks of the presented documents, the applicant is in writing notified on it, after their elimination and repeated representation of documents, they are considered within 5 days and the corresponding decision is made.

In default in licensing on the bases specified in the present Rules, the applicant is notified on it in writing, with instructions of the bases for refusal.

If last day the terms specified in this point, gets on the day off following it the working day it is considered day of the expiry of the term.

2.4. In licensing refuses in following cases:

2.4.1. Failure to provide documents provided by the present Rules;

2.4.2. Presence in the documents presented by the applicant, the doubtful or deformed data;

2.4.3. Absence at the applicant of the necessary conditions provided by the present Rules, for realization of a kind of activity;

2.4.4. If hasn't passed 2 years from the moment of cancellation at the initiative of the body which has granted the license, the license which have been given out earlier to the applicant on this kind of activity;

2.4.5. If the applicant has addressed in stay at the initiative of the body which has granted the license, the license received earlier on this kind of activity;

2.4.6. In other cases provided by the legislation.

2.5. The applicant after elimination of the circumstances which have formed the basis for refusal in licensing, has the right to address for license reception in the Ministry of Economics of

the Azerbaijan Republic, according to the present Rules or at disagreement with the decision on refusal, to address in court.

2.6. At liquidation of the enterprise, the organization, establishment or loss of force of the certificate which have been given out to the physical person for realization of activity as the businessman, the license which has been given out legal or the physical person, also loses validity.

By reorganization of the legal person, change of its name, change of the data of the identification card of the physical person, a license loss, the applicant within 15 days puts in the statement for license renewal.

License renewal is carried out in an order established for its delivery.

In renewal of the license the applicant carries out the activity on the basis of the former license (a copy of the license, Given out for separate objects), and at a license loss - on the basis of the time permission (a copy of the license which has been given out for separate objects). The time statement signed by the head of the Ministry of Economics and assured by the press, is granted after representation of all documents for license renewal.

III. The License

3.1. In the license it is underlined:

3.1.1. The name of the body which has granted the license;

3.1.2. For legal bodies - the name and the legal address of the enterprise, the organization and establishment to which the license stands out;

3.1.3. For physical persons - a surname, a name, a patronymic, the given identification cards (a series, number, whom when it is given out, a residence);

3.1.4. An activity kind on which realization the license stands out;

3.1.5. License period of validity;

3.1.6. A procedure of a corresponding kind of activity;

3.1.7. Registration number of the license and delivery date.

3.2. The license subscribes the Minister of Economics of the Azerbaijan Republic (in its absence - the deputy minister) and is assured by the press of the Ministry of Economics of the Azerbaijan Republic.

IV. License Term

4.1. If the activity kind has constant character and isn't limited to quantitative criteria, the license stands out for the term of not less than 2 years.

If activity on industrial cultivation and catching water animals and fishes has single character and isn't limited to quantitative criteria - the license stands out for 1 (one) year.

4.2. Prolongation of period of validity of the license is made in an order established for its delivery.

4.3. The license with the expired term and its copies are considered as the void.

V. A license Copy

5.1. At realization of licensed activity on territorially isolated objects, to the applicant together with the license the copy of the license for each object specified in the statement, with instructions of its address is granted.

5.2. At desire, after license reception to carry out the activity on the several territorially isolated objects or to increase quantity of such objects, for reception of copies of the license for new objects, the applicant should present following documents to the Ministry of Economics of the Azerbaijan Republic:

5.2.1. The statement, with instructions of registration number of the granted license, date, a kind of activity, quantity and addresses of new objects;

5.2.2. Documents on the objects specified in subparagraphs 2.1.6 and 2.1.7 present Rules.

5.3. The Ministry of Economics of the Azerbaijan Republic

Considers the reference concerning delivery of copies of the license according to subitem 2.3 and 2.4 present Rules, and the corresponding decision passes.

5.4. The license copy is filled for each object on the license form, with entering of the indicators reflected in the granted license, with a mark "Copy" in the left right corner of the form and instructions of the address of object in the column "Address", subscribes the head of the Ministry of Economics of the Azerbaijan Republic (in its absence - a deputy head), is assured by the press of the ministry and is the official document granting the right to the licensee to be engaged by the specified kind of activity.

5.5. Copies of licenses are registered the Ministry of Economics of the Azerbaijan Republic.

5.6. At a loss of a copy of the license, the licensee addresses in the Ministry of Economics of the Azerbaijan Republic for registration of a new copy of the license.

5.7. For delivery of a copy and renewal of the license the payment isn't raised.

VI. Rules of action of the license and control

6.1. According to the present Rules, licensees can be engaged in activity on industrial cultivation and catching water animals and fishes in the terms established by rules of hunting, the resolved hunting accessories, means and ways.

6.2. Control over rules of action of the license carries out the Ministry of Economics of the Azerbaijan Republic.

6.3. As control into the competence of the Ministry of Economics of the Azerbaijan Republic enters:

6.3.1. Check of observance of the regulatory legal acts regulating realization of kinds of activity, specified in the license, and license rules;

6.3.2. A request and reception from the licensee of data, inquiries on the questions arising during check;

6.3.3. Drawing up of the certificate based on the results of testing, with instructions of infringements and terms of their elimination;

6.3.4. The notice of the licensee on elimination of the found out lacks;

6.3.5. Consideration of a question of stay or cancellation of activity of the license.

6.4. During carrying out of check the licensee is obliged to provide access of representatives of the Ministry of Economics of the Azerbaijan Republic on checked objects, to create necessary conditions for carrying out of check and to give them demanded documents.

6.5. Based on the results of testing the statement in duplicate is drawn up. The certificate subscribes representatives of the Ministry of Economics of the Azerbaijan Republic and the licensee (director). At refusal in certificate signing, about it the mark in the certificate becomes. The explanation of the licensee (director) is applied on the certificate. Один the certificate copy remains at the licensee.

6.6. The Ministry of Economics of the Azerbaijan Republic, if necessary, can involve representatives of the corresponding organizations in the checks spent as control according to the present Rules.

VII. Stay or cancellation of action of the license

7.1. The Ministry of Economics of the Azerbaijan Republic suspends the license in following cases:

7.1.1. Representations by the licensee of the corresponding statement;

7.1.2. Defaults by the licensee of instructions about observance of statutory acts or stay of activity of the licensee by corresponding state structures, according to the legislation of the Azerbaijan Republic;

7.1.3. Acknowledgement, it agree legislations of the Azerbaijan Republic, the fact of bankruptcy of the legal person or the physical person;

7.1.4. Detection of infringement of the necessary conditions demanded by the present Rules for realization of a kind of activity;

7.1.5. Other cases provided by the legislation of the Azerbaijan Republic.

7.2. The Ministry of Economics of the Azerbaijan Republic within 5 days from the moment of decision-making on stay of action of the license, in written form informs the licensee and state structures of tax service.

License action can be renewed on the basis of the reference of the licensee at change of the circumstances which have formed the basis for stay of action of the license. The license is considered renewed after acceptance of the corresponding decision by the Ministry of Economics of the Azerbaijan Republic, the licensee and bodies of the state tax service are informed within 5 days after acceptance of the specified decision.

7.3. The Ministry of Economics of the Azerbaijan Republic cancels the license in following cases:

- 7.3.1. To provide by the licensee of the corresponding statement;
- 7.3.2. Detection of the doubtful data in the documents presented for reception of the license;
- 7.3.3. Infringements by the licensee of rules of action of the license;
- 7.3.4. Presence of a corresponding judgement;
- 7.3.5. Liquidation of the legal person and cancellation of the certificate which has been given out to the physical person, carrying out activity as the businessman;
- 7.3.6. Other cases provided by the legislation of Azerbaijan Republic.

7.4. The Ministry of Economics of the Azerbaijan Republic within 5 days from the moment of decision-making on license cancellation in written form informs the licensee and bodies of the state tax service.

7.5. The decision on action stay, cancellation or license renewal extends also on the copies of the license which have been given out for separate objects according to these Rules.

7.6. The Ministry of Economics of the Azerbaijan Republic conducts the register of the given out, registered, suspended, renewed and cancelled licenses.

VIII. Responsibility

8.1. Heads and officials of the Ministry of Economics of the Azerbaijan Republic bear responsibility, according to the current legislation, for infringement or inadequate execution of the legislation of the Azerbaijan Republic about licensing.

8.2. Decisions and actions of the Ministry of Economics of the Azerbaijan Republic can be appealed against when due hereunder in judicial bodies.

8.3. Engaged in the kinds of activity specified in the present Rules, without the license bear responsibility according to the legislation.