

**MINISTRY OF AGRICULTURE AND FOOD
KYRGYZ REPUBLIC**

ORDER

September 12, 1996 #190

1. To approve temporary regulations on creation of enterprises, dealing with agrochemical activity (Agrochemical Service) and on organisation of technical service (TechService).

2. To create the Commission on license issue "Agrochemical Service" in the following composition:

Mr. Tynaev S.	-I Deputy Minister- Chairman of the Commission
Mr. Smailov J	- Head of Crop Directorate
Mr. Rudenko V.	- Deputy Head of Crop Directorate
Mr. Derbishaliev J.	- Head of Department on Chemicals
Mr. Pak V.	- Head of Plant Protection and Chemicals' Department

3. Heads of Administrations (Departments) on Agriculture of rayons are to design the analogous commissions on license issue for the activity of "TechService" from the amount of responsible specialists in raoyns.

4. Mr. Tynaev S. - I Deputy Minister is to be responsible for the control of the implementation of the current order.

Minister

Abdimomunov K.

**RESOLUTION
OF THE GOVERNMENT OF THE KYRGYZ REPUBLIC**

of August 12, 1997 No. 467

On Licensing of Activities for Manufacturing and Sale of Chemicals
(in agrochemistry)

The Government of the Kyrgyz Republic notes that many newly created service enterprises for agrochemical service are involved in improper functions. At the same time, there is lack of control over their activity on the part of the oblast and raion state administrations, the Ministry of Agriculture and Water of the Kyrgyz Republic. There are cases of import of unregistered, unexamined and even prohibited means of plant protection from diseases, pests, and weeds, which may cause a negative impact on the environment and the health of people.

Up to the present time, neither committee for chemical and biological plant protection has been established in the republic, nor law on plant chemization or protection has been adopted.

For the purposes of due control over application of means of plant protection while rendering services for agrochemical services of business entities of all types of ownership, and to implement the Resolution of the Government of the Kyrgyz Republic of May 26, 1997 No. 293 "On Licensing of Certain Types of Activity", the Government of the Kyrgyz Republic hereby rules:

1. To approve the Attachment hereto on Licensing of Activities for Manufacturing and Sale of Chemicals (in Agrochemistry).

2. To charge the Department for Plant Chemization and Protection at the Ministry of Agriculture and Water of the Kyrgyz Republic with powers to issue licenses to individuals and legal entities to implement activities for manufacturing and sale of chemicals (in agrochemistry).

3. The Heads of oblast and raion state administrations and aйл okmotu shall ensure organization of offices in the rural areas, providing agrochemical services to rural manufacturers in compliance with the Regulation approved hereby, and to provide various support to them.

4. The Ministry of Agriculture and Water of the Kyrgyz Republic:
- shall within one month submit to the Government of the Kyrgyz Republic proposals on formation of the National Committee for Testing and Registration of Chemical and Biological Plant Protection, Pheromones, and Growth Regulators of Agricultural Plants and Forests;
- shall within one week present to the State Customs Inspectorate at the Government of the Kyrgyz Republic the list of means of plant protection permitted in the Kyrgyz Republic.

5. To add the Plan of the Legislative Activity of the Government of the Kyrgyz Republic for 1997, approved by the Resolution of the Government of the Kyrgyz Republic of June 9, 1997 No. 343, by the following paragraph:

“On Chemization and Plant Protection in the Kyrgyz Republic” III Ministry of Agriculture and Water
Ministry of Justice
Ministry of Finance
Ministry of Environment Protection
Ministry of Health Protection
Ministry of Internal Affairs
Government Forcst Agency

6. The Government Customs Inspectorate at the Government of the Kyrgyz Republic shall ensure the strict control over the imported plant protection substances in compliance whit the List presented by the Ministry of Agriculture and Water of the Kyrgyz Republic.

7. To recommend that the National Bank of the Kyrgyz Republic, Joint Stock and Commercial Banks, and the Kyrgyz Agricultural Finance Corporation provide financial assistance to newly established agrochemical services, and provide them preferential credits for increase and development thereof.

8. To charge the Vice Prime Minister of the Kyrgyz Republic K. A. Abdimomunov with controlling powers over implementation of this Resolution.

Prime Minister

A. Jumagulov

Approved
by the Resolution
of the Government
of the Kyrgyz Republic
of August 12, 1997
No. 467

Regulation
On Licensing of Activities for Manufacturing and Sale
of Chemicals (in agrochemistry)

1. General Provisions

1. This Regulation is developed in compliance with the Law of the Kyrgyz Republic "On Licensing" and the Resolution of the Government of the Kyrgyz Republic of May 26, 1997 No. 293 "On Licensing of Certain Types of Activity".

2. The license is understood as a permission in the established form to implement activities for manufacturing and sale of chemicals (in agrochemistry) in compliance with Attachments 1 and 2, issued to an individual or legal entity by the Department for Plant Chemization and Protection of the Ministry of Agriculture and Water of the Kyrgyz Republic.

The activity for manufacturing and sale of chemicals (in agrochemistry) is understood as actions pertaining to manufacturing and sale of chemical and biological means of plant and forest protection, pheromones, and growth regulators of agricultural plants and forests, fertilizers, food additives, chemical ameliorants, and performance of certain actions, such as: exporting, importing, storage, transportation, packing, preparation of working solutions, seed dressing, fertilizing agricultural plants, plants and soil spraying and dusting with chemization substances, chemical improvement of soils, etc.

3. Legal entities and individuals who wish to involve or who are involved in the activities for manufacturing and sale of chemicals (in agrochemistry) must receive the license.

4. Foreign legal entities and individuals, and stateless persons shall receive licenses on the equal terms and procedure established for the citizens of the Kyrgyz Republic, unless otherwise provided by legislative acts. Licenses received in other states shall be recognized in the Kyrgyz Republic, provided that respective inter-state agreements were signed.

5. The right to implement activity for manufacturing and sale of chemicals (in agrochemistry) shall be provided to the individuals with education in agricultural fields, who underwent special training, and legal entities with attested specialists educated in agricultural fields, and in which charters (regulations) the aforementioned activity is envisaged, which have necessary production conditions, which meet all normative and sanitation requirements according to the effective regulations.

2. Procedure of Licensing

6. The license is the legal grounds for individuals and legal entities who carry out activities for manufacturing and sale of chemicals (in agrochemistry), which is issued to his name, and may not be transferred.

The forms of licenses are subject to strict accountability.

7. To obtain a license, following documents must be presented to the Department for Chemization and Plant Protection of the Ministry of Agriculture and Water of the Kyrgyz Republic:

- application on obtaining a license in compliance with the form in Attachment No. 3 hereto;
- document certifying payment of issuance fee;
- normative legal documents which confirm the safety for society, environment, lives and health of citizens, and the guarantee of quality of the goods (works and services) being the product of such activity;
- opinions of sanitation and epidemiological station, plant protection station, project and research station for chemization, controlling toxicological laboratory, environment protection and fire safety inspectorates;
- copy of certificate on the state registration.

8. The applicant shall be responsible for accuracy of the information and documents indicated in the application, and submitted to the department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic.

9. All documents submitted to obtain the license shall be registered at the department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic.

10. The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic shall make the decision on issuance (or denial) of license within no more than 30 days as of the date of filing the application with all required documents, unless otherwise established by the legislative acts.

11. The denial of license must be motivated and sent to the applicant in writing within the period established for issuance of the license.

12. The decision on denial, suspending or withdrawal of the license may be appealed in court.

13. Legal entities and individuals shall obtain the right to implement the activity for manufacturing and sale of chemicals (in agrochemistry) as of the moment of obtaining the license.

14. The effective period of the license to carry out activities for manufacturing and sale of chemicals (in agrochemistry) without the license, and with the breach of the norms of licensing and rules shall entail the liability in compliance with the administrative and criminal legislation of the Kyrgyz Republic.

Income received from implementation of unlicensed activity for manufacturing and sale of chemicals (in agrochemistry) subject to licensing procedure, must be collected to the respective budget.

16. Individuals under the age of majority shall not be allowed to implement the activity for manufacturing and sale of chemicals (in agrochemistry).

17. The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic shall carry out attestation of individuals and legal entities involved in manufacturing and sale of chemicals (in agrochemistry).

The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic shall authorize the oblast stations for plant protection to carry out attestation of legal entities and individuals, and to present to the department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic the necessary documents for registration and issuance (extension) of the license.

18. Within the scope of its competence, and in compliance with the legislation, the department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic shall oversee the activity for manufacturing and sale of chemicals (in agrochemistry) carried out by legal entities and individuals regardless of the type of ownership and institutional subordination, throughout the Kyrgyz Republic.

3. Procedure of Determining Amount of Fees for Licensing

19. The department for plant chemization and protection at Ministry of Agriculture and Water of the Kyrgyz Republic shall issue licenses for fee.

20. The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic shall determine the amount of fees for consideration of the application, attestation, necessary expertise and formalization of the license in accordance with the actual costs, according to Attachment 4 hereto.

5. Termination, Suspending or Revocation of Licenses

21. For a single failure to comply with the requirements set forth in the license, which did not ensue a gross damage, the licensee shall be served a written warning.

22. The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic may suspend the effect of the license issued to a previously warned entity for up to 3 months, for the failure to comply.

Upon elimination of the reasons which served the grounds for suspending the license, the effect of the license shall resume.

23. The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic may revoke the license in the following instances:

- failure to eliminate the grounds for which the department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic suspended the effect of the license;
- failure to comply with the requirements of the license;

- judicial prohibition to the licensee to involve in activity for manufacturing and sale of chemicals (in agrochemistry), for which he has the license;

24. The license shall be terminated in the instances where:

- the effective period of the license has expired;
- the activities for which the license had been issued have been completed;
- the license has been revoked;
- the activity of the legal entity or the individual to which the license was issued is terminated.

25. Where the legal entity or an individual was re-registered, the license shall remain effective pending the end of the term.

26. Indemnification for ungrounded denial of the license, or violation of the licensee's rights shall be made in compliance with the procedure established by the civil legislation of the Kyrgyz Republic.

27. The department for plant chemization and protection at the Ministry of Agriculture and Water of the Kyrgyz Republic shall record licenses, and control the compliance with the licensing rules, and shall be liable in compliance with the legislation of the Kyrgyz Republic.

Attachment No. 1
to Regulation "On Licensing of Activity
for Manufacturing and Sale of Chemicals
(in Agrochemistry)"

Ministry of Agriculture and Water of the Kyrgyz Republic

License No. _____

issued to the legal entity (individual) _____

(name of the legal entity, or the full name and DOB of the individual)

legal address of the applicant (residing) _____

(republic, city, district, settlement, _____

street, house, apartment, home and office telephone number)

with the certificate on the state registration of the legal entity (passport) _____

(series and number)

issued _____

(when and by whom)

The following activity is allowed

(types of activity)

Settlements Account No _____

(the full name of the legal entity, institution)

(enterprise, legal address, and actual place of location)

No. _____

(name of Banking Department)

city, village _____

Seal

Position and signature of the Person
Who Issued the License _____

Attachment No. 2
to Regulation "On Licensing of Activity
for Manufacturing and Sale of Chemicals
(in Agrochemistry)"

Ministry of Agriculture and Water of the Kyrgyz Republic

Loose-leaf to License No. _____

issued to the legal entity (individual) _____

(name of the legal entity, or the full name and DOB of the individual)

legal address of the applicant (residing) _____

(republic, city, district, settlement, _____

street, house, apartment, home and office telephone number)

with the certificate on the state registration of the legal entity (passport) _____

(series and number)

issued _____

(when and by whom)

The following activity is allowed

(types of activity)

Settlements Account No _____

(the full name of the legal entity, institution)

(enterprise, legal address, and actual place of location)

No. _____
(name of Banking Department)

city, village _____

Seal

Position and signature of the Person
Who Issued the License _____

Attachment No. 3
to Regulation "On Licensing of Activity
for Manufacturing and Sale of Chemicals
(in Agrochemistry)"

Ministry of Agriculture and Water of the Kyrgyz Republic

(full name of the individual or legal entity)

APPLICATION

I am applying for issuance of a license to carry out _____

(specify the full and accurate names of activity)

My personal data:

1. DOB _____, passport series _____ No. _____
issued by _____

(by whom and when)

2. Social Status _____
(office employee, pensioner, student, housewife, etc)

3. Permanent job and position (if any) _____

(specify the full title and address)

4. Residence _____

(according to the passport)

5. Other Data _____

(specify information necessary for consideration of the application)

“ _____ ” _____, 199 _____

(signature)

Attachment No. 3
to Regulation "On Licensing of Activity
for Manufacturing and Sale of Chemicals
(in Agrochemistry)"

CALCULATION
of Expenses for Formalization of a License
for Agrochemical Activity

1. Consideration of the Application and Conduct of Expertise

a) trip expenditures for 3 persons	645 soms
where per person:	
- per diem	26 soms
- accommodation	75 soms
- travel or hiring a vehicle	114 soms
b) conduct of expertise	246 soms
where:	
- payment for harmful work	$600 \times 10\% = 60 \times 3 = 180$ soms
- deductions to Social Security Fund	$36.5\% = 66$ soms

2. Formalization of Documents	40 soms
including	
- blank forms	3×10 soms = 30 soms
- typing	10 soms
Total costs	931 soms