

LAW
REPUBLIC OF UZBEKISTAN

April 14, 1999 No. 763-I

On nonstate nonprofit organizations

The Resolution of the Oliy Majlis of the Republic of Uzbekistan dated 14.04.99 No. 764-I "On putting into force Law of the Republic of Uzbekistan "On nonstate nonprofit organizations"

I. General provisions

Article 1. Purpose of the present Law

The purpose of the present law is regulations of relationship associated with activity of nonstate nonprofit organizations, as well as international nonstate nonprofit organizations, representative offices and affiliates of foreign nonstate nonprofit organizations in the Republic of Uzbekistan.

Article 2. The definition of nonstate nonprofit organization

Nonstate nonprofit organization denotes self-governing institution established by natural and (or) legal entities on voluntary basis that does not pursue the purpose to derive income (profit) as the main task of its activity and does not distribute derived income (profit) between its participants (members).

Nonstate nonprofit organization is established for the purpose of protection of rights and legal interests of natural and legal entities, other democratic values, achievement of social, cultural and educational purposes, satisfaction of intellectual and other nonmaterial needs, implementation of charity work as well as for other socially useful purposes.

Article 3. Legislation on nonstate nonprofit organizations

Legislation on nonstate nonprofit organizations encompasses the present Law and other legislative acts.

The peculiarities of establishment, activity, reorganization and liquidation of political parties, trade unions, religious communities and other nonstate nonprofit organizations are regulated by special laws. In cases where these or those relations in the sphere of activity of nonstate nonprofit organizations are not adjusted, then norms of the present Law are applied.

If a certain international agreement signed by the Republic of Uzbekistan lays down rules and regulations other than those provided by the Law of the Republic of Uzbekistan on nonstate nonprofit organizations, then the former is applicable.

Article 4. Nonstate nonprofit organizations-state agencies relationship

The State guarantees the observation of rights and legal interests of nonstate nonprofit organizations, creates equal legal possibilities for them to participate in social life.

The State can give support to individual socially useful programs of nonstate nonprofit organizations.

Interference of the state agencies and their officials in activity of nonstate nonprofit organizations as well as interference of nonstate nonprofit organizations in activity of state agencies and their officials is banned.

Article 5. International links of nonstate nonprofit organization

Pursuant to the legislation, nonstate nonprofit organization can join international nonstate nonprofit organizations, support direct international contacts and conclude the relevant agreements on cooperation.

II. Legal status of nonstate nonprofit organization, its rights and duties

Article 6. Legal status of nonstate nonprofit organization

Nonstate nonprofit organization is a legal entity.

Unless otherwise provided by the foundation documents, nonstate nonprofit organization is established without restriction of the term of activity.

Article 7. Rights of nonstate nonprofit organization

Nonstate nonprofit organization has the following rights:
to represent and protect rights and law interests of its members and participants;

to act as an initiator on different matters of social life, to introduce proposals to agencies of State power and administration;

to participate in the preparation of the resolutions of agencies of the State power and administration in keeping with the procedure established by the legislation;

to distribute information on its activity;

to set up mass media and execute publishing activity according to the established procedure;

to create business structures for the purpose to perform statutory tasks;

to set up its symbols;

to hold meetings, conferences on matters associated with its activity;

to open representative offices and establish affiliates in keeping with the legislation.

Nonstate nonprofit organization has other rights provided by the legislation.

Article 8. Duties of nonstate nonprofit organization

Nonstate nonprofit organization is obliged:

to adhere to the legislation;

to provide access to information on the use of its property and financial resources;

to provide access for authority, registering nonstate nonprofit organization, to events carrying out by such an organization;

to present activity reports to taxation and statistical bodies.

Nonstate nonprofit organization has other duties provided by the legislation.

Article 9. Representative offices and affiliates
of nonstate nonprofit organizations

Representative office of nonstate nonprofit organization is an isolated subdivision located outside the whereabouts of such an organization representing interests of nonstate nonprofit organization and implementing their protection.

Affiliate of nonstate nonprofit organization is an isolated subdivision located outside the whereabouts of such an organization and executing all its functions or their part including representative office's functions.

Representative offices and affiliates of nonstate nonprofit organization can obtain status of a legal entity from the date of their state registration.

Article 10. Organizational and legal forms of
nonstate nonprofit organizations

Nonstate nonprofit organizations can be established in the form of public association, social fund, establishment, as well as in other form provided by the legislative acts.

For the purpose of coordination of organization's activity, as well as representation and protection of common interests, nonstate nonprofit organizations can create associations in the form of unions.

Article 11. Public association

Public association is recognized to be a voluntary unification of citizens, united in accordance with the prescribed legal procedure on the basis of community of interests for the purpose of satisfaction of spiritual and other nonmaterial requirements.

Participants of public association do not reserve the right to property assigned by them to such an association into ownership, including the right to membership fees. They are not answerable for obligations of public association in which they participate as members of such an association, while indicated association is not answerable for its members' obligations.

Article 12. Social fund

Social fund is recognized to be an organization without membership, established by natural and (or) legal entities on the basis of voluntary property contributions pursuing charitable, social, cultural, educational or any other socially important purposes.

Property assigned to social fund by its founders is considered to be the fund's ownership. The founders are not answerable for obligations of fund established by them, while the fund is not answerable for its founders' obligations.

Social fund uses property for the purposes defined in its charter.

Annually social fund publishes reports regarding the use of its property.

Article 13. Establishment

Establishment is recognized to be nonstate nonprofit organization created by natural and (or) legal entities for the purpose to carry out social, cultural and any other noncommercial functions.

Article 14. International nonstate nonprofit organization

International nonstate nonprofit organization is considered to be an international organization, which activity, in keeping with its charter and the legislation of the Republic of Uzbekistan, can be carried out in the Republic of Uzbekistan and in one or more foreign states.

III. The procedure for the establishment of nonstate nonprofit organization

Article 15. Establishment of nonstate nonprofit organization

Nonstate nonprofit organization is established according to decision taken by its founders (members) in keeping with the legislation.

Associations (unions) of nonstate nonprofit organizations can be established on initiative of not more than two nonstate nonprofit organizations.

Initiators or founders of nonstate nonprofit organization call foundation convention (conference) or general meeting where a charter is approved and governing bodies are formed.

Nonstate nonprofit organization is considered established from the date of its state registration.

Article 16. Foundation documents of nonstate nonprofit organization

Foundation documents of nonstate nonprofit organization are as follows:

a charter approved by the founders (members);

foundation agreement concluded by participants and a charter approved by them - for an association (union).

Requirements of foundation documents of nonstate nonprofit organization are binding for nonstate nonprofit organization itself, its founders and participants (members).

In foundation agreement the Parties (founders) undertake to establish an association (union) of nonstate nonprofit organizations, define the order of joint cooperation for its establishment, terms of assignment of their property to it and participation in its activity, management of activity of nonstate nonprofit organization, withdrawal of founders from its staff. Other terms and conditions may be included into foundation agreement according to an agreement of the founders.

Article 17. Charter of nonstate nonprofit organization

The following is specified in a charter of nonstate nonprofit organization:

a name, purposes and tasks of nonstate nonprofit organization, its organizational and legal form, territory where it executes its activity;

a structure and governing bodies of nonstate nonprofit organization, its control and audit authorities (for social funds they are to be specified), where necessary, or obligation to attract auditors (audit companies);

competence and the procedure for formation of governing bodies, terms of their power, place of location of permanently operating governing body;

the terms and procedure for obtaining and loss of membership, right and duty of members - for associations with defined membership; the sources of formation of funds and other property, right of nonstate nonprofit organization and its structural subdivisions for estate administration; the procedure for reorganization and liquidation; the procedure for the introduction of amendments and supplements into a charter.

A charter of nonstate nonprofit organization may include description of its symbols.

Other provisions related to activity of nonstate nonprofit organization that are not at variance with the legislation, may be specified in a charter.

Article 18. Common requirements on founders and participants (members) of nonstate nonprofit organization

Unless otherwise provided by the legislation, natural entities reached 18 years of age, as well as legal entities can be founders, participants (members) of nonstate nonprofit organization.

Persons reached 14 years of age can be members of youth nonstate nonprofit organization, and persons reached 10 years of age can be members of children nonstate nonprofit organization. The terms and procedure for obtaining, loss of membership, including withdrawal from membership of nonstate nonprofit organization according to age, are defined by charters of the relevant nonstate nonprofit organizations.

The demand to indicate in official documents the membership or participation in activity of this or that nonstate nonprofit organization is banned. Citizens' membership or non-membership of nonstate nonprofit organization can not be a grounds to restrict their rights and freedoms.

Foreign citizens and stateless persons equally with citizens of the Republic of Uzbekistan can be founders, participants (members) of nonstate nonprofit organization with the exception of cases established by laws and international agreements signed by the Republic of Uzbekistan.

Article 19. Symbols of nonstate nonprofit organization

Nonstate nonprofit organization can have the following symbols: flag, emblem, streamer and other symbols. Symbols of nonstate nonprofit organization must not coincide with the state symbols.

Symbols of nonstate nonprofit organization is approved by its governing body in accordance with the charter and is liable to the state registration.

Article 20. Reorganization of nonstate nonprofit organization

The reorganization of nonstate nonprofit organization can be executed according to a decision taken by its supreme authority by means of consolidation, incorporation, separation, segregation and transformation.

The reorganization of nonstate nonprofit organization is executed in accordance with the procedure provided by the legislation.

IV. The procedure for the state registration of nonstate nonprofit organization

Article 21. State registration of nonstate nonprofit organization

The state registration of nonstate nonprofit organization is executed by the justice authorities.

International nonstate nonprofit organizations, representative offices and affiliates of foreign nonstate nonprofit organizations operating in the Republic of Uzbekistan, as well as republic, interregional nonstate nonprofit organizations are registered in the Ministry of Justice of the Republic of Uzbekistan.

Nonstate nonprofit organization operating in the province, region, city, settlement, kishlak and ahul, is registered in the Ministry of Justice of the Republic of Karakalpakstan, regional and Tashkent city justice departments.

Authority registered nonstate nonprofit organization should execute control over the correspondence of its activity to purposes of the charter.

Article 22. Documents required for the state registration of nonstate nonprofit organization

The following documents are to be presented to the registering authority for the state registration of nonstate nonprofit organization:

an application signed by members of the governing body of the given nonstate nonprofit organization with the specification of the name, surname, patronymic, place and date of birth, place of residence of every member and their address;

two copies of a charter of nonstate nonprofit organization;

a minutes of foundation convention (conference) or general meeting that is to contain the following information: on establishment of nonstate nonprofit organization, its founders, approval of its charter, formation of governing and other bodies;

bank payment document on payment of registration fee.

The documents are to be presented for the state registration within two months from the date of holding of foundation convention (conference) or general meeting.

The state registration of representative offices and affiliates on nonstate nonprofit organization is executed by the relevant justice agencies on the basis of documents presented by such representative office and affiliate, certified by the head governing body of nonstate nonprofit organization as well as notarized copy of a certificate on the state registration of nonstate nonprofit organization.

Registration of representative offices and affiliates of nonstate nonprofit organization - not legal entities is executed by the relevant justice agencies on the basis of documents presented and certified by the head governing body of nonstate nonprofit organization as well as notarized copy of a certificate on the state registration of nonstate nonprofit organization.

The presentation of a certificate on the registration of head organization and text of the charter translated into state language is required for representative offices and affiliates of foreign nonstate nonprofit organization.

Article 23. Decision on the state registration of nonstate nonprofit organization

Justice agency that received documents for the state

registration of nonstate nonprofit organization should, in the course of two months, consider and take decision on the state registration or denial of the state registration of nonstate nonprofit organization and issue to founders, within three days after making decision, either a certificate on the state registration or a document with the specification of provisions of the legislation which violation led to denial of the state registration.

Article 24. Enrollment of data of nonstate nonprofit organization into the uniform state register of legal entities

Nonstate nonprofit organizations undergone the state registration, are enrolled into the uniform state register of legal entities opened for general familiarization.

The following information should be specified in the uniform state register of legal entities:

- a date of establishment;
- a name and place of location;
- governing bodies;
- persons empowered to act as representatives;
- sphere of activity.

Article 25. Grounds for denial of the registration of nonstate nonprofit organization

The state registration of nonstate nonprofit organization can be denied if:

foundation documents of nonstate nonprofit organization purpose violent change of constitutional system, undermining of sovereignty, integrity and security of the Republic of Uzbekistan, limitation of citizens' rights and freedoms, propaganda of war, social, national, racial and religious quarrel, encroachment on health and morality of citizens;

full package of documents is not presented or they are drawn up improperly;

the documents presented upon expiration of two months from the moment the charter has been adopted;

nonstate nonprofit organization has been registered earlier under the same name;

the procedure for the formation of nonstate nonprofit organization established by Law is violated, or non correspondence of foundation documents of an organization to Law takes place;

it is established that intentionally not authentic information is contained in foundation documents presented for the registration;

the foundation documents of nonstate nonprofit organization provide the formation of militarization associations.

The registration of nonstate nonprofit organization can be denied in cases where foundation documents encompass provisions that are at variance with the Constitution and legislative acts of the Republic of Uzbekistan.

Denial of registration on the grounds of inexpediency of the establishment of nonstate nonprofit organization is banned.

Denial of the state registration of nonstate nonprofit organization is not an obstacle for repeated presentation of documents for the state registration provided elimination of the grounds of denial.

The consideration of repeated application to the justice agency registering nonstate nonprofit organization and making decision on such

an application are implemented in keeping with the procedure provided by the present Law.

Article 26. Appeal of denial of the registration of nonstate nonprofit organization

Denial of the state registration of nonstate nonprofit organization, as well as breach of terms of registration can be appealed to a court.

Article 27. Re-registration of nonstate nonprofit organization

Amendments and supplements introduced into the foundation documents of nonstate nonprofit organization are liable to the state registration according to the same procedure and within the same terms established for the state registration of nonstate nonprofit organization itself.

If nonstate nonprofit organization is transformed into an international nonstate nonprofit organization or into its affiliate, it is to undergo the re-registration.

V. Economic grounds of activity of nonstate nonprofit organization

Article 28. Property of nonstate nonprofit organization

Nonstate nonprofit organization can own buildings, constructions, dwellings, equipment, stock, financial resources, including ones in foreign currency, securities and other property.

Property of nonstate nonprofit organization is protected by law.

Nonstate nonprofit organization is answerable for its obligations by its property, to which a claim can be made in accordance with the legislative acts.

Article 29. Sources of formation of property of nonstate nonprofit organization

Sources of formation of property of nonstate nonprofit organization are as follows:

Admission and membership fees, if they provided by the charter; nonrecurrent and regular receipts from the founders, participants);

voluntary property contributions and donations; income (profit) derived from entrepreneurial activity and used only for the implementation of statutory purposes; other receipts not banned by the legislative acts.

Article 30. Types of activity of nonstate nonprofit organization

Nonstate nonprofit organization can execute any type of activity not banned by Law and complying with objectives provided by its foundation documents.

Some types of activity can be executed by nonstate nonprofit organization only under license. List of such types of activity is defined by the legislation.

Article 31. Entrepreneurial activity of nonstate nonprofit

organization

Nonstate nonprofit organization can execute entrepreneurial activity in keeping with the legislation within the limits corresponding to its statutory purposes.

Article 32. Taxation of nonstate nonprofit organization

Nonstate nonprofit organization pays taxes, fees and other payments to the budget and off-budget funds, as well as it enjoys privileges according to the procedure specified in the legislation.

VI. Conclusive provisions

Article 33. Records and accountability of nonstate nonprofit organization

Nonstate nonprofit organization keeps records of the results of its activity and presents accountability to statistical and taxation bodies in keeping with the legislation.

Article 34. Suspension of activity of nonstate nonprofit organization

If nonstate nonprofit organization violates the Constitution and the legislation of the Republic of Uzbekistan, its activity can be suspended by the court.

If nonstate nonprofit organization violates the legislation on nonstate nonprofit organizations and execute actions that are at variance with its statutory purposes, agencies of public prosecution or justice agencies file a petition on specified violations to governing bodies of the given nonstate nonprofit organization and set up a term for their elimination. If, within the established period, such violations are not eliminated, activity of nonstate nonprofit organization is suspended according to court's decision on the basis of petition of agencies of public prosecution and justice agencies for the period up to six months.

In the event of the introduction of state of emergency in the Republic of Uzbekistan, the procedure for the suspension of activity of nonstate nonprofit organization is defined by the legislation.

Article 35. Consequences associated with suspension of activity of nonstate nonprofit organization

In cases where activity of nonstate nonprofit organization is suspended for a period defined by the court's decision, its rights as a founder of mass media are suspended; it is banned to organize public events, to use bank deposits, with the exception of expenses on economic activity, labor contracts, payment of damages caused by its actions (idleness) and penalty payment.

If, within the period of suspension of activity of nonstate nonprofit organization, established by the court, it eliminates violations being the grounds to suspend its activity, then after termination of the indicated period, nonstate nonprofit organization can reactivate its activity. In the event of failure to eliminate the indicated violation by it, an agency, filed a petition regarding suspension of activity of the given nonstate nonprofit organization to

the court, can file a petition on its liquidation to the court.

Article 36. Liquidation of nonstate nonprofit organization

The liquidation of nonstate nonprofit organization is executed according to a decision taken by its supreme agency or in due course of law.

Either founders, participants (members) of nonstate nonprofit organization or an agency that has taken decision on liquidation of nonstate nonprofit organization appoint, under the agreement with justice agency, executing the state registration, the liquidation commission.

Liquidation of nonstate nonprofit organization is executed in accordance with the procedure provided by the Civil Code of the Republic of Uzbekistan.

Entry on liquidation of nonstate nonprofit organization is enrolled into the unify state register of legal entities by justice agency executed the state registration on the basis of the following documents:

an application on enrollment of entry on liquidation of nonstate nonprofit organization to the state uniform register of legal entities (in the event of voluntary liquidation);

the resolution of the relevant authority on liquidation of nonstate nonprofit organization;

a charter and other foundation documents of nonstate nonprofit organization and a certificate on its state registration;

liquidation balance sheet, transfer deed or separate balance.

Assets remaining after meeting the creditors' requirements can not be distributed among participants (members) of an organization as well as among members of governing bodies or workers of nonstate nonprofit organization; it is used in accordance with the established procedure.

Article 37. Responsibility for violation of the legislation on nonstate nonprofit organizations

Persons identified as having violated the legislation on nonstate nonprofit organizations are made answerable to the law according to the established procedure.

President
of the Republic of Uzbekistan

I. Karimov