

Resolution No.339 of the Cabinet of Ministers of the Republic of Azerbaijan, dated 04 December, 2015

No.339

Baku city, 22 October, 2015

On Approval of the "Procedure for Foreign Donors to Obtain the Right for Provision of Grants in the Territory of the Republic of Azerbaijan"

Following the eighth paragraph of Article 119 of Constitution of the Republic of Azerbaijan and for ensuring the execution of subparagraph 2.2.3. of Decree No.344, dated 14 November, 2014 of the President of the Republic of Azerbaijan "On Ensuring the Application of Law No.1081- IVQD, dated 17 October, 2014 of the Republic of Azerbaijan "On Making Changing in Law of the Republic of Azerbaijan "On Grant", the Cabinet of Ministers of the Republic of Azerbaijan hereby decides :

To approve the "Procedure for Foreign Donors to Obtain the Right for Provision of Grants in the Territory of the Republic of Azerbaijan" (attached).

Artur RASIZADE,
Prime Minister of the Republic of Azerbaijan

Approved by Resolution No.339 of the Cabinet of Ministers of the Republic of Azerbaijan, dated 22 October, 2015

**PROCEDURE
for Foreign Donors to Obtain the Right for Provision of Grants in the Territory of the Republic of Azerbaijan**

1. General Provisions

1.1. This Procedure has been prepared to ensure the execution of subparagraph 2.2.3. of Decree No.344, dated 14 November, 2014 of the President of the Republic of Azerbaijan "On Application of Law No. 1081- IVQD, dated 17 October, 2014 of the Republic of Azerbaijan "On Making Changes to part 5-1 of Article 2 of Law of the Republic of Azerbaijan "On Grant" as well as to Law of the Republic of Azerbaijan "On Grant."

1.2.

1.2. This Procedure shall regulate the rule of obtaining the right to provide grant in the territory of the Republic of Azerbaijan by international organizations and their representatives, foreign governments and their representatives, international organizations engaged in charitable, humanitarian and other public activities, non-financial credit institutions, foreign public organizations engaged in education, science, health, culture and sports development fields including the funds, associations, federations and committees as well as branches and representative offices of foreign legal entities registered in the Republic of Azerbaijan (branches and representative offices of non-governmental organizations of foreign states which have been concluded the agreement specified in Law of the Republic of Azerbaijan "On non-governmental organizations(public associations and foundations)" (hereinafter – the foreign donors").

1.3. The requirements specified in this Procedure for obtaining the right to provide grant by foreign donors shall apply to subgrants and conclusion of additional agreements on grant agreement (decision) as well as to make any changes to them.

1.4. It is prohibited to conclude grant agreement with the foreign donors not obtaining grant right.

1.5. The requirements of this Procedure shall not apply to conclusion and approval of the agreements on obtaining grants on behalf of the Republic of Azerbaijan and Government of the Republic of Azerbaijan.

2. Documents to be submitted for Obtaining the Right of Provision of Grant

2.1. The right of provision of grant in the territory of the Republic of Azerbaijan by the foreign donors shall be obtained according to each grant agreement (decision).

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2.2. It is required to obtain the opinion of the Ministry of Finance of the Republic of Azerbaijan (hereinafter – the “Ministry”) on the feasibility of obtaining the right of provision of grant.

2.3. The following documents shall be attached to the application filed by the foreign donor to the Ministry in the form stated in Annex of this Procedure:

2.3.1. draft grant agreement (decision) reflecting the purpose, amount, the considered recipient, execution term, requirements on subgrants (if any) to be concluded between the foreign donors and the recipient, documents (project, program, cost estimates) drawn up as per the agreement;

2.3.2. financial-economic feasibility of the grant;

2.3.3. copy confirming the decision on establishment of the foreign donor, its charter (regulations) or registration (registration certificate, etc.);

2.3.4. power of attorney confirming the authority of the representative of the foreign donor to sign the corresponding application.

2.4. Should the documents specified in Clause 2.3 of this Procedure be drawn up in foreign language, their notarized translation shall be provided as well. Documents or information drawn up in foreign country shall be also legalized or apostatized.

3. The Procedure for Reviewing the Right to Provide the Grant

3.1. Application on obtaining the right to provide grant shall be reviewed within 15 days from the day of receiving the applications. In case of necessity to investigate additionally the documents specified in part 2 of this Procedure, the term of opinion on the financial-economic feasibility shall be extended within 15 days. While reviewing the application, the relevant state authority may pass its opinion on the subject matter of the grant.

3.2. The feasibility or non-feasibility shall be substantiated in the opinion of the Ministry on the financial-economic feasibility of the grant.

3.3. Should the needs in the area targeted by the grant project be already met by the government, this could be a basis for the rejection of the financial-economic feasibility of the grant project

3.4. Passing the opinion on financial-economic feasibility of grant shall be rejected in the following cases:

3.4.1. if the application, documents and information specified in Clause 2.3 of this Procedure are not provided or incompletely provided as well as the violation of the requirements of Clause 2.4;

3.4.2. should the purpose of the grant and its financial-economic feasibility be not stated accurately.

3.5. The Ministry shall annually provide accordingly the Ministry of Economy and Industry of the Republic of Azerbaijan, the Ministry of Justice of the Republic of Azerbaijan, State Committee for Work with Religious Entities of the Republic of Azerbaijan with the opinion made by it on the financial-economic feasibility of the grant by the 10th day of August per the first half-year and by the 10th day of February of next year per the second half-year.

3.5.1. name of the requesting foreign donor, its country of origin, and information on the person appealing on its behalf;

3.5.2. information on the purpose, amount and term of execution of the grant;

3.5.3. information on the recipient specified in the agreement;

3.5.4. should the grant be considered non-feasible from the financial-economic standpoint, its substantiation.

4. Obtaining the Right to Provide Grant

4.1. Foreign donors obtaining the opinion of the Ministry on the financial-economic feasibility of the grant shall be considered the ones obtaining the right to provide grant.

4.2. Registration of grant agreements (the made decisions) concluded by the foreign donors obtaining the right to provide grant shall be ensured according to the “Procedure for registration of grant agreements (decision) approved by resolution No.216 of the Cabinet of Ministers of the Republic of Azerbaijan, dated 5 June, 2015.

1. Final Provision

5.1. Changes to this procedure shall be made according to paragraph 2.6-1 of the “Regulations on Preparing and Adoption of Regulatory Acts of the Executive Authorities” approved by Decree 772, dated 24 August, 2002 of President of the Republic of Azerbaijan.

“Addition to the Procedure for obtaining the right to provide grant by foreign donors in the territory of the Republic of Azerbaijan”

Form of Application for Obtaining Opinion on the Financial-Economical Feasibility of Grant

(name of the authority issuing the opinion on the financial-economic feasibility)

(name and organizational-legal form of the requesting organization)

(registration date, number, TIN, bank details, legal address of the requesting organization)

(surname, name, patronymic of the authorized representative, workplace and position, address, number of the document approving the personality, date of issue and name of the body issuing the certificate, number, date of extract from the state register)

APPLICATION

(Agreement title)

grant agreement (provision of grant) has been considered to be concluded

between

Body acting as foreign donor

(name, organizational-legal form, of the legal entity, its country of origin, registration number and date, the authority of registration)

and the legal entity acting as a recipient considered in the grant agreement

(name, organizational-legal form, of the legal entity, its country of origin, registration number and date, the authority of registration)

Purpose of the grant

Information on its amount or other tangible assets

(in figures and writing, indicating currency)

term of execution

(term of commencement and completion)

Financing sources and the spheres financed previously by the foreign donors to provide grant

Attachment (indicating the list of documents attached to the application and number of sheets)

Unofficial Translation

(information on the attached documents shall be indicated on separate lines)

Taking into account the foregoing, we kindly ask to issue opinion on financial-economic feasibility of the said grant.

Surname, name, patronymic, position and signature of the person signing the request

(approved by the seal of the organization)

Date _____

Contact numbers (fax number, e-mail address)
