

Decision # 336 of the Cabinet of Ministers of the Republic of Azerbaijan

13 November 2015

City of Baku, 21 October 2015

On 'Rules on submission of information about amount of donation received by NGOs as well as by branches or representations of NGOs of foreign states and about the donor'

With an aim to ensure implementation of para 1.2.1 of the Decree #345 of 14 November 2014 of the President of the Republic of Azerbaijan 'On application of the Law #1082-IVQD of 17 October 2014 "On making changes to the Law of the Republic of Azerbaijan On Non-governmental organizations (public unions and foundations)" ', the Cabinet of Ministers of the Republic of Azerbaijan decides to:

- Approve the 'Rules on submission of information about amount of donation received by NGOs as well as by branches or representations of NGOs of foreign states and about the donor' (attached).

Artour Rasi-zade

Prime Minister of the Republic of Azerbaijan

Approved by the Decision #336
of the Cabinet of Ministers of the Republic of Azerbaijan
of 21 October 2015

RULES

on submission of information about amount of donation received by NGOs as well as by branches or representations of NGOs of foreign states and about the donor

1. General provisions

1.1. These Rules shall regulate the procedure for submission to the Ministry of Justice of the Republic of Azerbaijan (hereinafter – the Ministry of Justice) and the Ministry of Finance of the Republic of Azerbaijan (hereinafter – the Ministry of Finance) of information about donations which in accordance with article 24-1.5 of the Law of the Republic of Azerbaijan 'On Non-governmental organizations (public unions and foundations) is an aid in a form of financial means and(or) other material form from a citizen of the Republic of Azerbaijan, or a legal entity officially registered in the Republic of Azerbaijan, branches and representations of non-governmental organizations of foreign states (branches and representations of non-governmental organizations of foreign states which signed an agreement in accordance with article 12.3 of the Law of the Republic of Azerbaijan 'On Non-governmental organizations (public unions and foundations)) made to a non-governmental organization as well as branches and representations of non-governmental organizations of foreign states (hereinafter – non-governmental organization) without imposing a duty to reach any goal.

1.2. Non-governmental organizations shall submit to the Ministry of Justice the information about the amount of donation and the person who made the donation within 15 (fifteen) days since receiving a donation in order to be included into the register of grants, service contracts and donations (hereinafter – the register).

- 1.3. In accordance with article 24-1.4 of the Law of the Republic of Azerbaijan ‘On Non-governmental organizations (public unions and foundations)’, donated financial means shall be received as a wire to the bank account of a non-governmental organization. Non-governmental organizations which have charity as the main statutory aim can receive cash donations not exceeding 200 (two hundred) manat.
 - 1.4. In accordance with article 24-1.5 of the Law of the Republic of Azerbaijan ‘On Non-governmental organizations (public unions and foundations)’, it shall be banned to conduct bank operations and any other operations on donations for which the information has not been submitted.
 - 1.5. Operations on donations received by non-governmental bodies shall be carried out on the basis of a notification confirming that the information about the said donation has been included into the register.
2. Submission to the Ministry of Justice of the information about the amount of grant and persons who gave donations
 - 2.1. Non-governmental organizations shall use the application in annex 1 to the present Rules for submission to the Ministry of Justice of information about the amount of donation and persons who made donations on the donations they receive.
 - 2.2. The application shall be signed by the legal representative of the non-governmental organization and be sealed with its seal.
 - 2.3. If the donated amount exceeds 200 (two hundred) manat, the document confirming that the donation has been wired to the bank account of non-governmental organization shall be attached to the application.
 - 2.4. If there are deficiencies in the documents which non-governmental organizations submitted about amount of donation and persons who made donation that do not lead to the rejection of the application, the Ministry of Justice shall return those documents to the applicant and appoint 5 (five) days for eliminating the deficiencies.
3. Examination of information about donation
 - 3.1. The Ministry of Justice shall examine the following in order to issue the notification about the donation:
 - 3.1.1. If the person who signed the application has a relevant authority (if the donor is a resident in Azerbaijan) and if the founding documents of non-governmental organization that receives a donation are compliant with the information in the state register of legal entities;
 - 3.1.2. If donation meets the requirements of article 24-1.1 of the Law of the Republic of Azerbaijan ‘On Non-governmental organizations (public unions and foundations)’;
 - 3.1.3. If the activities planned to be realized with the donation correspond to the legislation and the aims defined in organization’s charter (regulations);
 - 3.1.4. If there is information that non-governmental organization that receives a donation does not observe the Law on fighting corruption, Law on fight against legalization of financial means or other property obtained by criminal ways and against financing terrorism and Law on fighting terrorism;
 - 3.1.5. If donation funds are given in cash or by wire to bank account of non-governmental organization.
 - 3.2. If donation is made by representation or branch of a non-governmental organization of a foreign state, there shall also be examination of validity of its agreement signed for its state registration.

4. Procedure for including information about donation to the register
 - 4.1. Within 15 (fifteen) days since submission of application and documents envisaged in part 2 of the present Rules, the Ministry of Justice shall include the following information into the register and issue a notification to non-governmental organization in the form provided for in Annex 2 of the present Rules:
 - 4.1.1. Name of legal entity that gives donation, name, surname and patronymic name of natural person;
 - 4.1.2. Amount of donation;
 - 4.1.3. Name of non-governmental organization that receives donation;
 - 4.1.4. Date of donation;
 - 4.1.5. Cash or bank transfer of donation;
 - 4.1.6. Date of inserting information about donation to the register;
 - 4.1.7. Individual number of the donation.
 - 4.2. If there is a need for further examination of information or issues as provided for in parts 2 and 3 of the present Rules, the period of issuing a notification shall be extended up to 15 (fifteen) days.
 - 4.3. Information about amount of donation received by non-governmental organization, persons who made donation as well as activities planned to be realized with the donation shall be reflected in the register which is documented for years. When writing information to the register about each donation, there shall be an individual number issued for it. The individual number of a donation shall be written in bank documents when conducting bank operations on the donation.
 - 4.4. The Ministry of Justice shall generalize information about data in the register no less than once a year.
5. Grounds for rejecting the inclusion of information about donation to the register and issuance of a notification

If false information or deficiency is identified in information reflected in the application submitted in accordance with item 2.1 of the present Rules or the documents annexed to it, as well as when the application or its annexes are not submitted, it shall lead to rejection in inclusion of information about donation to the register and issuance of a notification.
6. Submission of information to the Ministry of Finance about the amount of donation and persons who gave donation

Non-governmental organizations shall submit information to the Ministry of Finance about the amount of donation and persons who gave donation in accordance with the form provided for in Annex 3 to the present Rules.

7. Final provisions

The changes to the present Rules shall be made in accordance with item 2.6-1 of 'Regulations on drafting normative legal acts of bodies of executive power and the procedure for adoption' as approved by Decree #772 of the President of the Republic of Azerbaijan of 24 August 2002.

“Rules on submission of information about amount of donation received by non-governmental organization, as well as by branches or representations of foreign non-governmental organizations of foreign states and about donors”

The application form for inclusion of information in the registry about amount of donation received by non-governmental organization, as well as by branches or representations of foreign non-governmental organizations of foreign states and about donors

(name of the state agency that applied)

(name, legal address and TIN of non-governmental organization, as well as branches or representations of foreign non-governmental organization that apply)

(name, surname, patronymic name, place of residence, number of identification card of legal representative)

APPLICATION

We inform that, by the donor

(name of legal entity, in case of individuals, its name, surname, patronymic name, place of residence, number of identification card)

on _____ date the recipient

(name of non-governmental organization)

(amount (including currency), content in case of property)
is donated.

Taking into account above mentioned, we request to include the information about mentioned donation in the registry and give the relevant notification.

Annex (indicating the list of annexed documents and number of pages):

(information about annexes shall be written in separate lines)

name, surname, patronymic name, position and signature of the recipient (his/her representative)

(Approved with entity's seal)

Date: ____ 20____

Contact numbers:

Annex 2 to the

“Rules on submission of information about amount of donation received by non-governmental organization, as well as by branches or representations of foreign non-governmental organizations of foreign states and about donors”

NOTIFICATION

for inclusion of information in the registry about amount of donation received by non-governmental organization, as well as by branch or representations of foreign non-governmental organizations of foreign states and about donors

Donor

(name of legal entity, in case of individuals, its name, surname, patronymic name)

Recipient

(name of non-governmental organization)

(date of donation, amount (including currency), composition in case of property and work will be carried out at the expense of donation)

Information on giving donation _____ with
(registration number)

(registration date)

has been included in the registry

Date of notification _____

(name, surname, position and signature of the official of Ministry of Justice of the Republic of Azerbaijan who signed the notification)

“Rules on submission of information about amount of donation received by non-governmental organization, as well as by branches or representations of foreign non-governmental organizations of foreign states and about donors”

Information about donations received by non-governmental organization, as well as by branches or representations of foreign non-governmental organizations of foreign states and about donors

(name of state agency that applied)

By

(name, legal address and TIN of non-governmental organization, as well as branch or representations of foreign non-governmental organization that applies)

(name, surname, patronymic name, place of residence , number of identification card, of legal representative)

We inform that, by the Donor

(name, surname, patronymic name, place of residence , number of identification card, of legal representative)

on _____ date the Recipient

(name of the non-governmental organization)

(amount (including currency), composition in case of property)

has been donated.

(name of legal entity, in case of individuals, its name, surname, patronymic name, place of residence,, number of identification card)

Name, surname, patronymic name, position
and signature of the recipient (his/her representative _____
(Approved with entity's seal)

Date: _____ 20____

Contact numbers: