

**Approved by the Decision #339 of the Cabinet of Ministers
of the Republic of Azerbaijan
Of October 22, 2015¹**

RULES

**On obtaining the right to provide grants in the territory of the Republic of
Azerbaijan by foreign donors**

I. General provisions

1.1. These Rules are prepared in accordance with part 5-1 of article 2 of the Law of the Republic of Azerbaijan “On Grants” as well as item 2.2.3 of the Decree #344 of the President of the Republic of Azerbaijan dated 14 November 2014 “On application of the Law #1081-IVQD of 17 October 2014 ‘on making changes to the law of the Republic of Azerbaijan on Law on grants.’”

1.2. These Rules shall regulate the procedure for obtaining the right to provide grants in the territory of the Republic of Azerbaijan by international organizations and their representative offices, foreign government and their representative offices, international organizations specialized in charity, humanitarian development and other public-benefit activities, financial-credit institutions, foreign public organizations operating in the field of development of education, science, health, arts and sports, including foundations, associations, federations and committees, and representative offices and branches of foreign legal entities registered in the Republic of Azerbaijan (representative offices and branches of foreign non-governmental organizations who have signed an agreement envisaged in the Law of the Republic of Azerbaijan “On Non-governmental organizations (public unions and funds)”).

1.3. The requirements for obtaining the right to provide grants by foreign donors set forth in these Rules shall also apply to sub-grants and additional contracts on the grant agreement (decision) as well as cases of any changes in the agreement (decision).

1.4. It is prohibited to sign a grant agreement with a foreign donor who has not obtained the right to provide grants.

1.5. The requirements of the present Rules shall not apply to cases of signing and approving grants on behalf of the Republic of Azerbaijan and the Government of the Republic of Azerbaijan.

II. Documents submitted for obtaining the right to provide grants

2.1. The right to provide grants in the territory of the Republic of Azerbaijan by a foreign donor shall be obtained for each individual grant agreement (decision).

2.2. An opinion of the Ministry of Finance of the Republic of Azerbaijan (hereinafter Ministry) on the financial-economic expediency of the grant shall be required for obtaining the right to provide grant.

¹ Published on December 4, 2015.

2.3. An application for obtaining the opinion of the Ministry on a grant's financial-economic expediency from the foreign donor, which is included in Annex of the present Rules, shall be accompanied with the following documents:

2.3.1. Draft of the grant agreement (decision) reflecting the requirements as to the purpose of the grant agreement planned to be signed between a foreign donor and the recipient, its amount, intended recipient, duration, sub-grants (if any) as well as other documents prepared based on the agreement (proposal, program, and budget);

2.3.2. the financial-economic justification of the grant;

2.3.3. a copy of the foreign donor's decision on establishment, charter (regulation) or copy of the registration document (registration certificate, etc.); and

2.3.4. a power of attorney attesting to the competence of the representative of a foreign donor to sign the relevant application.

2.4. If the documents envisaged in para 2.3 of the present Rules are in a foreign language, notarized translations shall be attached. The documents or information issued abroad shall be legalized or apostilled.

III. Rules on considering the application for obtaining the right to provide grants

3.1. The Ministry shall study the application of a foreign donor for obtaining the right to provide grants within 15 days following its receipt. If additional study of the documents envisaged in part 2 of the present Rules is required, the period for issuing an opinion on the financial-economic expedience of the grant can be extended for 15 days. Relevant state bodies can provide their opinion about the subject of the grant in course of the consideration of the application.

3.2. The Ministry shall submit a well-grounded opinion on the financial-economic expediency of the grant.

3.3. The fact that the government is addressing the needs in the area of grant is grounds for considering the grant as financially- economically non-expedient.

3.4. In the following cases positive opinion on financial-economic expediency of the grant shall not be issued:

3.4.1. Failure to submit an application, documents, and information provided for in para 2.3 of the present Rules or incomplete submission, as well as for violating the requirement of item 2.4;

3.4.2. When the purpose of a grant and its financial-economic expediency is not clearly described.

3.5. The Ministry shall present information on its opinions on the presence or lack of financial-economic expediency of the grants by 10 August and 10 February annually to the Ministry of Economy and Industry of the Republic of Azerbaijan, the Ministry of Justice of the Republic of Azerbaijan, and the State Committee on works with religious organizations of the Republic of Azerbaijan. Such information shall contain:

3.5.1. Name and country of origin of applicant foreign donor as well as information about the person submitting a request on its behalf;

3.5.2. Purpose, amount, and duration of the grant;

3.5.3. Intended recipient as per the agreement;

3.5.4. Grounds for refusal in case the grant is considered to be financially and economically non-expedient.

IV. Obtaining the right to provide grant

4.1. A foreign donor who receives an opinion of the Ministry on financial-economic expediency of the grant shall be considered to have the right to provide grants.

4.2. The registration of grant agreements (decisions) of foreign donors who obtained the right to provide grants shall be carried out based on the “Rules on registration of grant agreements (decisions)” approved by the Cabinet of Ministers by its decision #216 of June 5, 2015.

Final provisions

5.1. The changes to these Rules shall be made in accordance with item 2.6-1 of the “Regulations on the rules on preparation and adoption of normative-legal acts of bodies of executive power” as approved by Decree #772 of the President of the Republic of Azerbaijan dated August 24, 2002.

Annex: Template Application Form