

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 organisations and their representations, foreign government and their representation, international organizations specialized in charity, humanitarian development and other public-benefit sphere, 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, as well as representations and branches of foreign legal entities registered in the Republic of Azerbaijan, representations 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 force in these Rules shall also apply to sub-grants and additional contracts on the grant agreement (decision) as well as cases of changes in duration, purpose and amount of the agreement (decision).

1.4. It is prohibited to sign a grant agreement with the 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.

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 Finances 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.

2.3. An application for obtaining opinion of the Ministry on grant’s financial-economic expediency of the foreign donor which is shown in Annex 1 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, programme, budget);

2.3.2. financial-economic expediency of the grant;

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

2.3.4. power of attorney attesting 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 30 days. If additional study is required, this period 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 grounded reply in its opinion on financial-economic expediency of the grant should the latter be considered inexpedient.

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

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

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

3.3.3. When the area of grant does not correspond to the purposes stipulated in the charter (regulations) of the donor;

3.3.4. When there is sufficient state funding in the grant's area.

3.4. The Ministry shall present information on opinions on 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:

3.4.1. Name and country of origin of applicant foreign donor as well as person submitting a request on its behalf;

3.4.2. Purpose, amount and duration of the grant;

3.4.3. Intended recipient as per the agreement;

3.4.4. Ground for refusal.

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 on _____.