

Decision # 337 of the Cabinet of Ministers of the Republic of Azerbaijan

20 November 2015

City of Baku, 21 October 2015

On “Rules on registration of service contracts on provision of services or implementation of work by NGOs, as well as by branches or representations of foreign NGOs from foreign sources”

With an aim to ensure implementation of para 1.2.2 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 registration of service contracts on provision of services or implementation of work by NGOs, as well as by branches or representations of foreign NGOs from foreign sources” (attached).

Artour Rasi-zade
Prime Minister of the Republic of Azerbaijan

Approved by the Decision #337
of the Cabinet of Ministers of the Republic of Azerbaijan
of 21 October 2015

RULES

on “Rules on registration of service contracts on provision of services or implementation of work by NGOs, as well as by branches or representations of foreign NGOs from foreign sources”

1. General provisions

- 1.1. These Rules have been prepared in accordance with Article 24-2.1 of the Law of the Republic of Azerbaijan ‘On Non-governmental organizations (public unions and foundations)’.
- 1.2. These Rules shall regulate the procedure for registration of service contracts (hereinafter contracts) on provision of services or implementation of work by non-governmental organizations, as well as by branches or representations of foreign non-governmental organizations (hereinafter non-governmental organizations) from foreign sources. The obligations indicated in the present Rules shall apply to additional contracts, as well as any amendments to them.
- 1.3. Non-governmental organizations which provide services (implement work) shall submit contracts to the Ministry of Justice of the Republic of Azerbaijan (hereinafter Ministry of Justice) no later than 15 (fifteen) days of signing the contract in order to be included into the register.
- 1.4. The registration of contracts shall be approved with the notification by the relevant structure of the Ministry of Justice in accordance with para 4.1 of the present Rules.

1.5. No bank operations and any other operations can be carried out in the absence of contracts or on unregistered contracts.

2. Documents for registration of contracts

2.1. The following documents shall be attached to the application indicated in the Annexes 1 and 2 to the Rule for registration of a contract.

2.1.1. original of the contract, including additional contract or amendment to it signed by parties;

2.1.2. copy of an identification card of customer receiving services or works if s/he is a foreigner or stateless person;

2.1.3. copy of a document verifying the registration, commercial or non-commercial nature of a customer receiving the service or work if it is a foreign legal entity (extract from the commercial registry, registration certificate);

2.1.4. detailed information approved with the signature of a customer on services provided and works implemented under the contract (purpose, start and end date of a contract, current situation, outcomes, beneficiaries, scope of work and service, amount and place);

2.1.5. power of attorney verifying the authority of a person submitting an application on behalf of persons prescribed para 1.3 of the present Rule;

2.1.6. copy of a document verifying the relevant authority of a person if the agreement was not signed by the legal representative;

2.1.7. if there are other implementors, information about them.

2.2. Copies of documents described in paras 2.1.3, 2.1.4 and 2.1.6 of the Rules shall be notarized. Notarized translation of contracts and other documents in foreign language should be annexed. Documents which origin in a foreign country should also be legalized or apostilled.

3. Issues examined by the Ministry of Justice

3.1. The Ministry of Justice shall examine the following in order to register a contract:

3.1.1. if documents described in the para 2.1. of the present Rules are submitted and the information provided in these documents is accurate;

3.1.2. if the activities planned to be realized with the contract correspond to the legislation of the Republic of Azerbaijan and entity's charter (regulation);

3.1.3. if a duly authorized person is signing the contract;

3.1.4. if a non-governmental organization which is a party of a contract submitted its annual financial report to the Ministry of Finance of the Republic of Azerbaijan;

3.1.5. If there is information that non-governmental organization 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;

3.1.6. if the project which is a part of the contract is submitted;

3.1.7. if founding documents of a non-governmental organization which is a part of the contract correspond to the legislature;

3.1.8. if a contract is commercial or non-commercial.

4. Procedure for registration of contracts

- 4.1. Within 15 (fifteen) days since submission of an application and documents envisaged in part 2 of the present Rules, the Ministry of Justice shall register the contract and issue a notification to a non-governmental organization in the form provided for in Annex 3 of the present Rules if there is no ground for refusal in registration of the contract. If there is a need for further examination of the documents 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.
- 4.2. Registration of contracts shall be drawn up in the register which is documented for years. When registering each contracts there shall be an individual number issued for it. The individual number of a contract shall be reflected in bank documents when conducting bank operations on the contract.
- 4.3. Registration book with thick cardboard-faced is drawn tightly bound in size of 34x27sm, tied and sealed with thick and high quality paper. The cover of the book shall include its number, recorded year, and the figures for start and end of individual registration numbers of the contracts (example, CI, 2015, Contract C 1-50). Registration book is closed at the end of the year and a new book is drawn for a new year.
- 4.4. Registration book consists of 2 parts which is 1 page for each contract; the first part “general information” (the customer of services provided or works implemented, non-governmental organization which provides the service (implements work), date of the contract on provision of services or implementation of works, realization period of the contract on provision of services or implementation of work, contact telephone numbers, e-mail), the second part “Information about provision of services or implementation of work” (name of the contract on provision of services or implementation of work, purpose, brief information about the project planned to be realized with the contract on provision of services or implementation of work, amount of the payment paid on the contract on provision of services or implementation of work, information about amendments to the registered contract on provision of services or implementation of work (date and number), notes) and shall be carried out in the form provided for in Annex 4 to the present Rules.
- 4.5. The individual registration number of the contract, registration date of the contract and page number should be indicated on the top right corner of each page of the registration book.
- 4.6. If the submitted documents contain deficiencies that do not constitute a basis for refusal to register, the Ministry of Justice shall suspend the registration of the contract, return the documents to the applicant and appoint 5 (five) days for eliminating the deficiencies.
- 4.7. The Ministry of Justice shall generalize information about data in the register no less than once a year.

5. Grounds for rejecting the registration of contracts

- 5.1. Registration of contacts is rejected by the Ministry of Justice in the following cases:
 - 5.1.1. when the documents indicated in para 2.1 of the present Rule are not submitted;
 - 5.1.2. when deficiencies are found while examining the issues indicated in the para 3.1. of the present Rule;
 - 5.1.3. when the information provided in the application and/or attached documents are incorrect;

5.1.4. when identified deficiencies are not resolved within period defined in the para 4.6 of the present Rule.

6. 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.

Annex 1: Sample Application form

Annex 2: Sample Application form for registration of a change to the contract

Annex 3: Sample notification on registration of a service contract