

CABINET OF MINISTERS OF THE KYRGYZ REPUBLIC

DECREE

No. 518 dated August 27, 2024

on Measures for the Implementation of the Law of the Kyrgyz Republic on Noncommercial Organizations

In accordance with the Law of the Kyrgyz Republic on Noncommercial Organizations and Articles 13 and 17 of the Constitutional Law of the Kyrgyz Republic on the Cabinet of Ministers of the Kyrgyz Republic, the Cabinet of Ministers of the Kyrgyz Republic hereby decrees:

1. To approve the Regulations on the Procedure for Maintaining the Register of Noncommercial Organizations Performing the Functions of a Foreign Representative and for Inspecting their Activities, as set forth in the Annex.

2. It is hereby established that:

1) the Ministry of Justice of the Kyrgyz Republic shall be the authorized government agency in charge of maintaining the Register of Noncommercial Organizations Performing the Functions of a Foreign Representative;

2) applications under Part 3 of Article 17¹ of the Law of the Kyrgyz Republic on Noncommercial Organizations shall be submitted to the government agency in charge of maintaining the Register of Noncommercial Organizations Performing the Functions of a Foreign Representative, within two (2) months from the effective date of this Decree.

3. To amend the Decree of the Government of the Kyrgyz Republic Pertaining to Issues Falling Under Jurisdiction of the Ministry of Justice of the Kyrgyz Republic No. 78 dated March 5, 2021 as follows:

Subclause 6 of Clause 8 of the Regulations for the Ministry of Justice, approved by the aforementioned Decree, shall be amended to include the following paragraph:

“– maintains the Register of Noncommercial Organizations Performing the Functions of a Foreign Representative.”

4. This Decree shall come into force ten days after the date of official publication.

Chairman of the Cabinet of Ministers of the Kyrgyz Republic

A.U. Zhaparov

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Regulations
on the Procedure for Maintaining the Register of Noncommercial Organizations
Performing the Functions of a Foreign Representative and Conducting an Inspection of
their Activities

Section 1. General Provisions

1. These Regulations have been developed in accordance with the Law of the Kyrgyz Republic on Noncommercial Organizations (hereinafter referred to as the Law on Noncommercial Organizations), define the procedure for maintaining the Register of Noncommercial Organizations Performing the Functions of a Foreign Representative (hereinafter referred to as the Register), requirements to the data contained in the Register, and the procedure for conducting an inspection of the activities of noncommercial organizations performing the functions of a foreign representative.

2. The Register is an electronic database containing information on noncommercial organizations acting as foreign representatives that are included in the Register.

3. The Register is maintained by an authorized body determined by the Cabinet of Ministers of the Kyrgyz Republic (hereinafter referred to as the authorized body).

4. The Register shall be maintained in both the state and official languages, in the electronic form and in the format approved by the authorized body.

Section 2. Procedure for Inclusion in the Register (and Removal from the Register) of
Noncommercial Organizations Performing the Functions of a Foreign Representative

5. Inclusion of a noncommercial organization in the Register is carried out based on the application of the head of the noncommercial organization performing the functions of a foreign representative.

6. The head of a noncommercial organization whose activities meet the criteria of a “noncommercial organization performing the functions of a foreign representative” as established by the Law on Noncommercial Organizations shall, from the moment of commencement of such activities, submit to the authorized body an application for the inclusion of the organization in the Register within five (5) working days.

7. An application for inclusion in the Register is submitted in either the state or official language, using the form approved by the authorized body.

8. The Register shall include the following information on a noncommercial organization performing the functions of a foreign representative:

- 1) sequential number;
- 2) full name;
- 3) abbreviated name (if any);
- 4) legal address;
- 5) registration number;
- 6) taxpayer identification number (hereinafter – TIN);
- 7) code of the All-Republican Classifier of Enterprises and Organizations (hereinafter – OKPO);
- 8) type of activity;
- 9) bank account details;
- 10) full name(s)/name(s) of the founder(s);
- 11) PIN/TIN of the founder(s);
- 12) full name of the head;
- 13) PIN of the head;
- 14) information about employees;
- 15) note (in the closed part).

9. The field “Sequential number” shall contain the sequential registration number of a noncommercial organization depending on the date of its inclusion in the Register.

10. The field “Full name” shall contain the full corporate name of the noncommercial organization in the state, official, and/or English languages.

11. The field “Abbreviated name” (if any) shall contain the abbreviated corporate name of the noncommercial organization in the state, official, and/or English languages (if any).

12. The field “Legal address” shall indicate the legal address of the noncommercial organization in accordance with the registration documents, relevant information contained in the Unified State Register of Legal Entities, Branches (Representative Offices) (hereinafter – the Unified State Register of Legal Entities).

13. The field “Registration number” shall indicate the registration number assigned to the archival registration file prepared for each registered (or re-registered) noncommercial organization.

14. The field “Taxpayer Identification Number” shall contain the TIN of the noncommercial organization.

15. The field “OKPO code” shall contain the OKPO code of the noncommercial organization.

16. The field “Type of activity” specifies the main type of activity of the noncommercial organization in accordance with the registration documents, relevant information contained in the Unified State Register of Legal Entities.

17. The field “Bank account details” shall contain the name of the bank, bank identification code, the OKPO code of the bank, and the bank account number of the noncommercial organization.

18. The field “Full name(s)/names of the founder(s)” shall indicate the surname and initials of the founder(s) – natural person(s), and/or the corporate name of the legal entity acting as a founder of a noncommercial organization in accordance with the registration documents and the relevant information contained in the Unified State Register of Legal Entities.

19. The field “PIN/TIN of the founder(s)” shall contain the founder(s)’ PIN/TIN.

20. The field “Full name of the head” shall contain the surname and initials of the head of the noncommercial organization in accordance with the registration documents and the relevant information contained in the Unified State Register of Legal Entities.

21. The field “PIN of the head” shall contain the PIN of the head of the noncommercial organization.

22. The field “Information about employees of the noncommercial organization” shall contain the surname and initials of employees (including employees performing work activities on the basis of a fixed-term employment contract or a lease contract (договор найма)) as in accordance with their identity documents.

23. The field “Note” shall contain special notes on the date of notification of violation of Parts 5 and 6 of Article 17¹ of the Law on Noncommercial Organizations, the date of the decision to suspend the activities of the noncommercial organization, the date of receiving the auditor’s report, the date of exclusion from the Register, and any other information pertinent to the maintenance of the Register.

24. The decision to include a noncommercial organization performing the functions of a foreign representative in the Register is made by the authorized body within ten (10) working days from the date of receipt of the application by the authorized body, in accordance with Clause 7 of these Regulations.

25. A noncommercial organization performing the functions of a foreign representative shall be excluded from the Register in the following cases:

1) upon the termination of the noncommercial organization’s activity in accordance with the procedure established by the legislation of the Kyrgyz Republic;

2) upon the application of the head of the noncommercial organization, provided that:

– the organization has not received monetary funds and other assets from foreign sources within twelve (12) calendar months preceding the submission of the application for removal from the Register; and

– the organization has not performed actions falling under the forms of political activity in accordance with the Law on Noncommercial Organizations, within twelve (12) calendar months preceding the submission of the application for exclusion from the Register.

26. An application for the exclusion from the Register shall be submitted by the head of the noncommercial organization performing the functions of a foreign representative to the authorized body, in the form approved by the authorized body.

27. Within sixty (60) calendar days from the date of receipt of the application indicated in Subclause 2 of Clause 25 of these Regulations, the authorized body shall verify the information provided by the noncommercial organization and the grounds for its inclusion in the Register, and make a decision on either removing the noncommercial organization from the Register or rejecting the application for exclusion.

The authorized body makes a decision to exclude or not to exclude a noncommercial organization from the Register based on relevant conclusions received from the relevant government agencies, as outlined in Clause 37 of these Regulations.

28. The authorized body shall decide to reject an application for the exclusion from the Register in the event when, following the verification of the information stipulated in Clause 27 hereof, it is established that the noncommercial organization submitted false information about the termination of political activities, as stipulated in Article 2 of the Law on Noncommercial Organizations, and/or about the termination of receipt of funds or other property from foreign sources.

A noncommercial organization may appeal against the decision of the authorized body in accordance with the procedure stipulated in the Law of the Kyrgyz Republic on the Basis of Administrative Activities and Administrative Procedures.

29. A noncommercial organization performing the functions of a foreign representative shall be removed from the Register within the following timeframes:

1) according to Subclause 1 of Clause 25 of these Regulations – within five (5) working days from the date on which information about the registration of the noncommercial organization's dissolution is entered into the Unified State Register of Legal Entities;

2) according to Subclause 2 of Clause 25 of these Regulations, within five (5) working days from the date of confirmation of the information about the termination of political activities, as stipulated in Article 2 of the Law on Noncommercial Organizations, and/or the termination of receipt of funds or other assets from foreign sources.

30. The authorized body shall, within five (5) working days from the date of its decision to remove (or in the event of its refusal to remove from the Register) a noncommercial organization from the Register, notify the noncommercial organization of such decision in writing.

31. In the event of changes to the data contained in the Register, a noncommercial organization performing the functions of a foreign representative must notify the authorized body of such changes within thirty (30) calendar days of the date the corresponding decision was made, and provide relevant documentation in regard to the aforementioned changes.

In case of hiring (termination of employment) of employees (including employees performing work activities under a fixed-term labor contract or a lease contract (договор найма)), a noncommercial organization performing the functions of a foreign representative shall, within seven (7) calendar days from the date of hiring (termination of employment) of employees, send a respective notification to the authorized body.

Section 3. The procedure for implementing provisions of Clauses 6-11 of Article 17¹ of the Law on Noncommercial Organizations

32. A noncommercial organization performing the functions of a foreign representative shall, no later than May 1 of the year following the reporting period, provide an audit report prepared by an independent auditor to the authorized body, unless otherwise provided for by international agreements of the Kyrgyz Republic.

The independent auditor's report shall be submitted in a paper form, signed by the head, certified by a seal of the noncommercial organization, numbered page by page, and bound.

33. Upon receipt of the independent auditor's report from a noncommercial organization performing the functions of a foreign representative, the authorized body shall, within ten (10) working days, forward a copy of the independent auditor's report to the authorized government agency in the taxation sphere for the purposes of controlling compliance with the requirements of tax legislation, state social insurance legislation, and nontax income.

34. Control over the compliance of activities of noncommercial organizations performing the functions of a foreign representative with the statutory goals specified in their founding documents and the legislation of the Kyrgyz Republic shall be carried out in accordance with Article 17¹ of the Law on Noncommercial Organizations and in accordance with the procedures stipulated in these Regulations.

35. To establish that the control outlined in Clause 34 of these Regulations shall be limited to the following areas:

- 1) financial transparency and compliance with tax legislation;
- 2) ensuring that materials produced and/or disseminated by organizations, including via mass media outlets and/or on the internet, are accompanied by a statement indicating that such materials were produced, distributed, and/or issued by a noncommercial organization performing the functions of a foreign representative;
- 3) participation in political activities conducted within the territory of the Kyrgyz Republic, irrespective of the goals and objectives set forth in the founding documents of the organization;
- 4) compliance of the organization's activities with the statutory goals outlined in its charter.

36. The grounds for conducting inspections within the framework of such control are as follows:

- 1) an application of state bodies, local self-governance bodies or media outlets regarding a violation by a noncommercial organization of the requirements of Article 17¹ of the Law on Noncommercial Organizations;
- 2) an application of state bodies, local self-governance bodies, or media outlets about non-compliance of the activities of a noncommercial organization performing the functions of a foreign representative with its statutory objectives.

37. In case the authorized body receives applications about a noncommercial organization's violation of legal requirements or noncompliance of its activities with the goals stipulated in its founding documents, the authorized body may forward such applications to the authorized government agencies in compliance with their jurisdiction and areas of competence.

Any issues related to the compliance with financial transparency requirements and tax legislation shall be referred to the government agency in a taxation sphere for the purpose of obtaining its conclusion.

Any issues related to the compliance with Part 5 of Article 17¹ of the Law on Noncommercial Organizations shall be referred to the authorized government agency in the field of information for the purpose of obtaining a corresponding conclusion.

Any issues related to the participation in political activities conducted on the territory of the Kyrgyz Republic, regardless of the goals and objectives set forth in the noncommercial organization's founding documents, on meeting the requirements of compliance of the organization's activities with its statutory objectives and to assess compliance with other legal requirements shall be referred to the prosecutorial bodies of the Kyrgyz Republic for the purpose of obtaining a corresponding conclusion.

Any issues regarding the compliance of the organization's activities with its statutory goals shall be referred to the relevant authorized government agencies, whose jurisdiction and competence concerns the main types of activities of the noncommercial organization, arising from its statutory goals.

38. The authorized state authorities, within the framework of conducting inspections, may request (directly from the noncommercial organization or through the authorized body) only the information and documents that are related to the subject of the inspection.

39. Upon receipt of relevant conclusions from authorized government agencies confirming violations of parts 3, 5, and 6 of Article 17¹ of the Law on Noncommercial Organizations, the authorized body shall, within ten (10) working days, send a written notice to the noncommercial organization indicating the violations committed and the time limit for their elimination, which shall not exceed one month.

40. The noncommercial organization is obliged to eliminate the committed violations within the time limit specified in the authorized body's notification.

Violations committed in accordance with parts 3 and 6 of Article 17¹ of the Law on Noncommercial Organizations shall be deemed eliminated from the time of submission of an application for inclusion of a noncommercial organization in the Register and submission of an independent auditor's report, respectively.

Violations committed in accordance with part 5 of Article 17¹ of the Law on Noncommercial Organizations shall be deemed eliminated upon submission of a conclusion by the government agency in the field of information to the authorized body, confirming the elimination of violations.

41. In case of a failure to eliminate the violations specified in the notification within the established time limits, the authorized body shall make a decision to suspend the activities of the noncommercial organization for a period not exceeding six (6) months, with notification of the noncommercial organization.

42. The decision to suspend the activities of a noncommercial organization may be appealed in accordance with the procedures prescribed by the Law of the Kyrgyz Republic on the Basis of Administrative Activities and Administrative Procedures.

43. If within the established period of suspension of the noncommercial organization's activity it eliminates the violations specified in the notification, in accordance with the procedure specified in Paragraph 40 of these Regulations, the noncommercial organization may resume its activity.

44. If within the established period of suspension, the noncommercial organization fails to eliminate the violations specified in the notification, the authorized body shall apply to the court for liquidation of the noncommercial organization in accordance with Article 96 of the Civil Code of the Kyrgyz Republic.

Representatives of the authorized government agencies, whose conclusions (information) formed the basis for sending the respective notifications, may be engaged by the authorized body in the preparation of applications (petitions and other documents) necessary to apply to the court.

45. Copies of notifications, conclusions (information) of authorized bodies, letters of noncommercial organizations and other materials are filed in the archival file of a noncommercial organization.