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Resolution of the President of Turkmenistan**January 18, 2013****№ 12792****Ashgabat****About State Stocktaking of Foreign Projects and Gratuitous Technical and Financial Assistance, Humanitarian Aid and Grants^{*}****(Collected acts of the President of Turkmenistan and Resolutions of the Government of Turkmenistan, 2013., № 1, cr. ____ – not published in Russian)**

With the purpose of improvement of functioning of unified (integrated) special data base for state stocktaking of all types of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants provided by foreign states, international organizations, financial institutions, foreign companies and funds, public associations and religious organizations, physical persons to ministries and sectoral agencies of Turkmenistan, public associations, religious groups and religious organizations, and to other legal entities and physical persons, I hereby resolve:

1. Establish a State Commission for coordination and control over activity on state stock taking of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants.

2. Approve the Procedure of the state registration of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants and maintain in Turkmenistan a unified State register of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants.

Approve the composition of the State Commission for coordination and control over activity of the State registration of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants (enclosed).

3. To the Ministry of Foreign Affairs of Turkmenistan in accordance with the Procedure approved by point 2 of this Resolution ensure acceptance of appeals, foreign states, international organizations, financial institutions, foreign companies and funds, public associations and religious organizations, physical persons related to provision to the ministries and sectoral agencies of Turkmenistan, public associations, religious groups and religious organizations, and to other legal entities and physical persons of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants and bring to notice of legal entities and individuals.

4. To put on to the Ministry of Economy and Development of Turkmenistan the functions of registration of projects and programs of foreign technical and financial assistance and humanitarian aid, and grants, except registration of projects and programs of such assistance and grants provided to public associations, and religious groups and religious organizations (hereinafter referred to as religious organizations) registered at the territory of Turkmenistan.

Establish that the Ministry of Economy and Development of Turkmenistan maintain Unified State register of foreign technical and financial assistance and humanitarian aid and grants.

5. To put on to the Ministry of Justice (Adalat) of Turkmenistan the functions for registration of projects and programs of foreign technical and financial assistance and humanitarian aid, and grants provided to public associations and religious organizations registered at the territory of Turkmenistan.

^{*} Unofficial translation.

6. To bind legal entities and physical persons of Turkmenistan that receive foreign technical and financial assistance, humanitarian aid and grants to register projects and programs of foreign technical and financial assistance and humanitarian aid, and grants including those that have not previously passed through state registration respectively in the Ministry of Economy and Development of Turkmenistan or the Ministry of Justice of Turkmenistan and to submit stage by stage and final reports on progress of those projects, programs and utilization of grants.

7. To the State Commodity and Raw Materials Stock-Exchange of Turkmenistan, State Customs Service of Turkmenistan, banks regulated and licensed by Central Bank of Turkmenistan to conduct processing of stock-exchange, customs procedures and banking operations on projects and programs of foreign technical and financial assistance and humanitarian aid, and grants when providing statement about registration of mentioned projects, programs and grants respectively in the Ministry of Economy and Development of Turkmenistan or Ministry of Justice of Turkmenistan, and also of record from Unified State Register.

8. To the Ministry of Economy and Development of Turkmenistan and to the Ministry of Justice of Turkmenistan:

to ensure provision of information about registration of projects and programs of foreign technical and financial assistance and humanitarian aid, and grants to the State Migration Service of Turkmenistan for the purpose of issuing visas to foreign consultants and specialists; in the order established by the legislation of Turkmenistan to submit to the authorized state authority information about projects and programs of foreign technical and financial assistance and humanitarian aid, and grants if their amount exceeds the size of the stated amount or is not typical of the activity of the recipient.

9. To the Central Bank of Turkmenistan and the Ministry of Finance of Turkmenistan to ensure control over provided by foreign states, international organizations, financial institutions, foreign companies and funds, public associations and religious organizations, physical persons on gratuitous basis as gratuitous aid and grant to ministries and sectoral agencies of Turkmenistan, public associations, religious groups and religious organizations and other legal entities and physical persons in cash or non cash funds including over money remittances to the name of recipient of foreign funds by means of opening in the established order of a settlement account and also over transactions related to these cash funds.

10. For the purpose of prevention of violation of registration procedure of projects and gratuitous programs of foreign technical and financial assistance and humanitarian aid, and grants, provision and receipt of gratuitous foreign technical and financial assistance, humanitarian aid and grants that have not underwent state registration, their illegal use, the Ministry of Justice of Turkmenistan jointly with the Ministry of Economy and Development of Turkmenistan in a month period shall prepare and submit to the Cabinet of Ministers of Turkmenistan proposals in relation to defining responsibility of legal entities and physical persons and also about making changes and amendments to the legislation of Turkmenistan pursuant to this Resolution.

11. Declare to be no longer in force the Resolution of the President of Turkmenistan dated on November 14 of 2003 # 5446 "About State Registration of Projects and Programs of Foreign Technical and Financial Assistance, Humanitarian Aid and Grants" (Collected acts of the President of Turkmenistan and resolutions of the Government of Turkmenistan, 2003, # 11 pg.466)

12. Control over implementation of this Resolution shall be put onto Deputy Chairman of the Cabinet of Ministers of Turkmenistan, Mr. A. Gochyev, Deputy Chairman of the Cabinet of Ministers of Turkmenistan, the Minister of Foreign Affairs of Turkmenistan Mr. R. Meredov, the Minister of National Security, Mr. Y. Berdyev, the Minister of Justice of Turkmenistan Mr. B. Charyev, the Minister of Economy and Development of Turkmenistan Mr. B. Taganov, the Minister of Finance of Turkmenistan Mr. D. Sadykov, Chairman of Board of Central Bank of Turkmenistan Mr. T. Japbarov, and Chairman of Supreme Control Chamber of Turkmenistan Mr. B. Atdaev.

**President of Turkmenistan
Gurbanguly Berdimuhamedov**

**Approved by the Resolution of
the President of Turkmenistan
dated on January 14 of 2013 г. # 12792**

**Procedure
of state stock taking and maintenance in Turkmenistan of Unified Register of projects and
gratuitous programs of foreign technical and financial assistance and humanitarian aid, and
grants**

1. This Procedure defines the order of the state registration in Turkmenistan for projects and programs of foreign technical and financial assistance and humanitarian aid, and grants and also maintaining Unified State Register (hereinafter referred as Register) of foreign technical and financial assistance, humanitarian aid and grants.
2. Statement about state registration of projects and programs and grants of foreign gratuitous technical and financial assistance and humanitarian aid (hereinafter referred as: all types of foreign assistance) is the main document providing the right/authority for implementation of these projects, programs and grants in accordance with the legislation of Turkmenistan.
State registration is done by means of issuance of special statement. The Statement is issued respectively by the Ministry of Economy and Development of Turkmenistan and the Ministry of Justice of Turkmenistan.
Activities on coordination and control over the state registration of projects and programs of gratuitous foreign technical and financial assistance, humanitarian aid and grants are executed by the State Commission (hereinafter referred as - State Commission) on coordination and control over the state registration of projects and programs of gratuitous foreign technical and financial assistance, humanitarian aid and grants.
3. Projects and programs of all types of foreign assistance and grants that do not contravene legislation of Turkmenistan are those projects, programs, grants and cash and non cash funds allocated for their implementation including foreign currency, goods and means, executed works and rendered services implemented in Turkmenistan in various areas at the expense of assistance and means provided on gratuitous basis by foreign states, international organizations, financial institutions, foreign companies and funds, public associations and religious organizations and by physical persons (hereinafter, foreign sponsors) to ministries and agencies of Turkmenistan, public associations and religious organizations, and to physical persons and legal entities (further - beneficiaries).
4. The Ministry of Economy and Development and the Ministry of Justice of Turkmenistan (hereinafter referred as State registration authorities) are the state institutions carrying out all types of foreign assistance registration within their authority.
5. For all types of foreign assistance provided to recipients of foreign assistance, foreign sponsors address the Ministry of Foreign Affairs of Turkmenistan.
The data about the addresses is sent by the Ministry of Foreign Affairs to the authorized state bodies with the purpose of determination of necessity of all types of provided foreign assistance, and also to legal entities and physical persons indicated in the data.
6. Authorized state bodies study them for compliance with the legislation and through the Ministry of Foreign Affairs inform respective state registration authorities about conclusion of necessity of all types of provided foreign assistance.

7. State registration authorities after reviewing applications from those willing to receive all type of foreign assistance prepare the review of this issue at the meeting of the State Commission for coordination and control over state registration of projects and programs of gratuitous foreign technical and financial assistance, humanitarian aid and grants.

8. In case if questions arise related to capacity for implementation by recipients of foreign assistance of all types of provided foreign assistance or in other necessary cases, state registration authorities have the right for clarification of those questions to receive conclusion of experts and information from relevant authorities with following submission to the review by the State Commission meeting.

9. State Commission meetings are held by the Chairman of the State Commission and in his absence by Deputy Chairman.

10. State Commission meetings are held with full member participation, and in case if such opportunity is not possible, the meetings are considered as representative for reviewing the questions when two thirds of members are present.

11. State Commission meeting is held when necessary but minimum once a month.

12. About the date and time of State Commission meeting the members of the State Commission are notified 5 days prior to the meeting.

13. When necessary, experts, foreign assistance recipients or their authorized representatives may be invited to the meeting of the State Commission.

14. On each issue reviewed at the State Commission Meeting individual decisions are made.

15. Based on the results of the State Commission meeting review of the application of foreign assistance recipient about receipt of all types of foreign assistance the decisions are made on whether to give the permission or refuse to permit receiving the assistance.

In case if additional situations occur in relation to the issues under review that require clarifications, the final decision on this issues may be postponed.

16. The grounds for refusal in registration of all types of foreign assistance are:
provision of inadequate (unreliable) information about foreign assistance recipient;
provision of inadequate (unreliable) information about foreign sponsors;
lack of capacity of foreign assistance recipient to implement proposed program or project;
in other cases, envisaged by the legislation of Turkmenistan.

17. State Commission meeting is documented by minutes (protocol).

The minutes indicate information about location of the meeting, date, time, present secretary and members of State Commission, representatives of foreign assistance recipients, and documents proving their authority, conclusion on each reviewed issue and made decisions.

18. Head of the department of the state registration authority working in this area is present at the State Commission meeting in the capacity of a secretary in accordance with reviewed issues at the meeting.

19. Foreign assistance recipient is obliged to use all types of foreign assistance only for the stated purposes. Violation of this requirement leads to suspension or termination of receipt of all types of foreign assistance, and to prosecution of culpable (guilty) legal entity of physical person in accordance with the legislation of Turkmenistan.

Violation of this requirement may lead to formulation of a question about suspension and about refusal in provision of all types of foreign assistance and prosecution of all culpable legal entities and physical persons for violation of the requirements in accordance with the legislation of Turkmenistan.

20. Suspension and refusal in receipt of all types of foreign assistance is done based on decision of the State Commission.

21. In the case of refusal to foreign assistance recipients of receipt of all types of foreign assistance offered by foreign sponsors, and also in case of refusal of this assistance based on the decision of

the State Commission, this recipient sends to foreign sponsors a message with justification of refusal through the Ministry of Foreign Affairs of Turkmenistan.

22. State registration authorities submit a report to the State Commission each quarter about state registration of all types of foreign assistance, and about the state of maintenance of Unified state Register of projects and programs of gratuitous foreign technical and financial assistance, humanitarian aid and grants.

23. For State registration and inclusion into the Register recipients of all type of foreign assistance and grants submit respectively to the Ministry of Economy and Development of Turkmenistan and the Ministry of Justice of Turkmenistan through relevant velayat departments of justice (adalat), and in Ashgabat city directly, the following documentation:

application;

documents required for creation of information base of the Register according to the attached list.

Forms and samples of such documents are approved by relevant state authorities carrying out registration.

24. State registration authorities register all types of foreign assistance on the basis of positive decision of the State Commission.

25. After submission of relevant documentation package:

the process of state registration is carried out for projects and programs of all types of foreign assistance and grants by inclusion of information about a project, program or grant into the Register with assignment of identification number of symbol;

a conclusion is issued about state registration in the established by relevant state authority carrying out registration form.

The conclusion about state registration is certified by the seal of relevant state authority carrying out registration.

26. The conclusion about state registration is handed out to foreign assistance recipient, to coordinator of project, program of foreign assistance or grant or to the person authorized by him/her who has a power of attorney issued in the established order with indication of passport details.

27. Foreign assistance recipients are obliged to submit to relevant state registration authority the information on all types of foreign assistance provided by foreign sponsors including information about planned, ongoing and completed foreign assistance.

28. State registration authorities submit report to the Cabinet of Ministers of Turkmenistan about state of works on registration of all types of foreign assistance each quarter.

29. The Ministry of Economy and Development of Turkmenistan on a monthly basis before the 3d day of the month following the reporting month submit in the established order in an approved format the information about implementation of all types of foreign assistance to the State Committee of Turkmenistan for Statistics.

30. Documents and information of confidential character submitted to the Ministry of Economy and Development of Turkmenistan, the Ministry of Justice of Turkmenistan or received from the Ministry of Economy and Development of Turkmenistan, the Ministry of Justice of Turkmenistan by relevant authorities are not to be disclosed, published or transferred to the third persons without a consent of the owner, except cases specified in the legislation of Turkmenistan.

31. The holder of Unified Register is the Ministry of Economy and Development of Turkmenistan.

32. The Register is a systematized information base enclosing information about all types of foreign assistance and grants provided by foreign sponsors to recipients of foreign assistance in Turkmenistan that are registered in Turkmenistan

33. The information base of the Register is formed based on official information related to provision by foreign sponsors to recipients of all types of foreign assistance provided by the Ministry of Foreign Affairs of Turkmenistan and state registration authorities.

34. The main goals of the Register are:

maintaining a unified state stock taking (inventory);

development of regulatory and reference documentation used in administration of social and economic processes;

ensuring full and comprehensive monitoring of registered projects and programs of all types of foreign assistance and grants in Turkmenistan.

35. Information about registered in the Ministry of Justice of Turkmenistan projects and programs of all types of foreign assistance and grants provided to public associations, religious groups and religious organizations are submitted by the above mentioned ministry to the Ministry of Economy and development of Turkmenistan for inclusion into the Register.

36. In case of changes in the data of all types of foreign assistance, these data is transferred in the established order to the relevant state registration authorities for inclusion into the Register.

37. Information about state registration of projects, programs and grants and about changes of data about all types of foreign assistance is subject to inclusion into the Register in a mandatory manner.

38. During the period of implementation of all types of foreign assistance control over its utilization for the intended purpose according to the legislation of Turkmenistan is done by state registration authorities with involvement of relevant state authorities.

39. The order of control process over utilization of all types of foreign assistance provided by foreign sponsors is defined by regulatory acts of sectoral state registration authorities.

40. If the agreement between foreign assistance recipient and foreign sponsor does not specify otherwise, gratuitously received, in the frames of all types of foreign assistance, cash and non cash funds, goods, equipment, must be used only for the purposes of the recipient of foreign assistance and are not subject to transfer, sale or lease to the third persons.

41. Opening bank account of a recipient, transfer of cash and non cash funds provided by foreign sponsors within all types of foreign assistance through these accounts (bank transactions) to the account of foreign assistance recipient is carried out by credit institutions of Turkmenistan.

42. Control over compliance with the requirements of regulatory acts during operations (opening bank account for beneficiary's name including transfer of fund through this account, utilization for the intended purpose and other) related to receipt of cash and non cash funds received within all types of foreign assistance is fulfilled by the Central Bank of Turkmenistan and the Ministry of Finance of Turkmenistan.

43. Money received by foreign assistance recipient within all forms of foreign assistance from foreign sponsors at the territory of Turkmenistan or outside Turkmenistan must be immediately deposited to the bank account of a recipient during 5 (five) banking days from the date of their entry to Turkmenistan.

44. All types of foreign assistance, and goods, property and other means received further for its implementation may not be used for illegal activities.

45. All types of foreign assistance, and goods, property, money and other means received for its implementation may not be used for preparation, holding elections, referendums, recall of deputy, for organization and holding meetings, street procession, rally, demonstration, protests, sabotage (termination of works), preparation, distribution of propaganda information, for the goals of political parties, and educational activities among population and other types of political mass-scale and propagandistic activity.

46. In case of utilization of all types of foreign assistance provided by foreign sponsors inappropriately or in case of their usage for purposes other than intended the authorities of state registration have the right to formulate a question to the State Commission about suspension of foreign assistance that is being provided.

47. Recipients of foreign assistance in case of usage of foreign assistance with the purpose other than intended are obliged in one month period to correct committed violations.

48. In case of correction of committed violations that lead to termination of implementation of various types of foreign assistance, recipient of foreign assistance has the right to address relevant registration authority for renewal of assistance and for cancelation of decision about its suspension.

49. In case of non correction by the recipient of foreign assistance of detected violations in the set time period state registration authority informs the State Commission and relevant foreign sponsor.
50. If detected violations are not corrected within the periods indicated in point 47 of this Procedure the State Commission makes a decision about termination of receipt of all types of foreign assistance.

**Approved by the Resolution of the President of Turkmenistan
date January 18 of 2013 г. # 12792**

**Composition
of the State Commission for Coordination
and Control over Activities on State Stocktaking
of Projects and Programs of Gratuitous Foreign Technical and Financial Assistance,
and Humanitarian Aid and Grants**

Minister of Economy and Development of Turkmenistan (Chairman of the Commission)
Minister of Justice of Turkmenistan (Deputy-Chairman of the Commission)
Deputy Minister of Foreign Affairs of Turkmenistan
Deputy Minister of National Security of Turkmenistan
Deputy Minister of Justice of Turkmenistan
Deputy Minister of Interior of Turkmenistan
Deputy Prosecutor General of Turkmenistan
Deputy Minister of Economy and Development of Turkmenistan
Deputy Minister of Finance of Turkmenistan
Deputy Head of State Customs Service of Turkmenistan
Deputy Chairman of the Board of the Central Bank of Turkmenistan
Deputy Head of State Committee for Statistics of Turkmenistan
Heads of relevant departments from the Ministry of Economy and Development of Turkmenistan
and the Ministry of Justice of Turkmenistan (Secretary of the Commission)

**Enclosed
to the Procedure of registration of projects and programs of foreign technical and financial
assistance, and humanitarian aid and grants in Turkmenistan and maintenance of Unified
State Register of foreign technical and financial assistance, humanitarian aid and grants.**

**List
of documents provided for creation of Unified State Register of foreign technical and financial
assistance, humanitarian aid and grants**

Application
Grounds for signing an agreement (governmental agreement and other documents)
Decision of management of a recipient of foreign assistance
Terms of Reference of a recipient of foreign assistance
Contract and/or agreement about a project, program of foreign technical and financial assistance,
humanitarian aid and grant
Information about participating parties to a project, program or grant
Brief reference about project, program or grant implementation as of date of submission of an
application

Power of Attorney, document proving authority of a coordinator of a project, program or grant
Final report on completion of a project, program of foreign technical and financial assistance, humanitarian aid and grant

Notes: the documents shall be submitted in the state (official) language. Documents submitted in other languages shall have certified translation.