

TAJKISTAN LAW
ON LICENCING OF SEPARATE TYPES OF ACTIVITY

The Present Law defines the types of activity subject to licensing, determines the legal basics for issuing license to implement separate types of activity and directed at observing standards and qualifications requirements necessary for the implementation of these types of activity, ensuring the protection of interests and security of individuals, society, and the state.

Article 1. Basic Definitions

The present Law uses the following basic definitions:

- x license – special permission issued by a licensing body to a legal entity individual entrepreneur for implementing a specific type of activity with the mandatory observance of licensing requirements and conditions;
- x licensed type of activity – an activity the implementation of which requires license pursuant to the present Law within the territory of Republic of Tajikistan;
- x licensing – arrangements related to license issuing, re-legalization of documents confirming the license availability, license suspension and recommencement, license cancellation and oversight by a licensing body over the observance by licensees of the relevant licensing requirements and conditions when implementing the licensed types of activity;
- x licensing requirements and conditions – an aggregate of requirements and conditions determined

Article 5. Authority of the Government of the Republic of Tajikistan When Implementing Licensing

An authority of the Government of the Republic of Tajikistan in the area of licensing shall include:

- approving provisions on licensing peculiarities for specific types of activity;
- determining executive power bodies implementing licensing for specific types of activity.

Article 6. Powers of Licensing Bodies

1. Licensing bodies shall be authorized to:

- issue license;
- re-legalize documents confirming the license availability;
- suspend license;
- resume license;
- cancel license (in cases stipulated by Article 14 of this Law);
- keep a license register;
- oversee the enforcement by licensees of licensing requirements and conditions.

2. The procedure for implementing an authority by licensing bodies shall be set forth by provisions on licensing peculiarities for specific types of activity.

Article 7. License Effect

1. License shall be issued for each type of activity specified in Articles 17 and 18 of the present Law.

2. A type of licensed activity may be implemented by a legal entity or individual entrepreneur having license.

3. An activity licensed by an executive power body shall be implemented within the territory of the Republic of Tajikistan.

Article 8. License Validity Period

1. License validity may not less than five years. License validity may be extended upon its expiration through a licensee's application.

2. The extension of license validity shall be implemented through re-l

2. When re-legalizing the document confirming the license availability, a licensing body shall make the corresponding changes into the license register. Legalization of the document confirming the license availability shall be implemented within ten days from the day when a license body receives the relevant application.

3. The fee equal to two minimal wages for re-drawing the document confirming the license availability shall be collected and entered into the State Budget.

Article 13. Exerting Oversight

1. Oversight over the observance by a licensee of licensing requirements and conditions specified by the provision on licensing peculiarities for specific types of activity shall be implemented by a licensing body within its competence.

2. A licensing body shall be entitled to:

- conduct compliance checks of a licensee's activity with the licensing requirements and conditions;
- draw up reports (minutes) indicating specific violations based on the check findings;
- warn and take decisions obliging a licensee to correct violations and determine the deadlines for the violations to be corrected.

3. A licensing body shall not be entitled to conduct audits with regard to the areas of activity other state power bodies are responsible for.

Article 14. License Suspension and Cancellation

1. Non-observance of the license requirements and conditions including the transfer of license to another physical person or legal entity, production or marketing of poor quality goods, the violations of trading rules, sanitary and ecological norms shall entail license cancellation or suspension.

2. A licensing body shall have the right to suspend a license in case of continuous violations or gross violations of licensing requirements and conditions by a licensee.

3. A licensing body shall determine the deadline for violations, resulted in license cancellation, to be corrected by a licensee. The stated correction period shall not exceed six months. In case if a licensee has not corrected the mentioned violations within the stated period, a licensing body shall have to apply for license cancellation to a court of law.

4. A licensee shall be obliged to notify a licensing body in writing on correction of the violations entailed license cancellation. A licensing body suspended license shall make a decision on the license renewal and inform of it a licensee in writing within three days from the day the relevant notification is received and a check on the correction by a licensee of the violations entailed license cancellation. The license period shall not be extended for the license suspension period and the fee of license renewal shall not be collected.

5. License shall become invalid in case a legal entity has been liquidated or has terminated its activity as a result of reorganization, except for the case of its transformation, or termination of the state registration of a citizen as an individual entrepreneur.

6. Licensing bodies may cancel a license in case of non-payment by a licensee of a license fee within three days.

7. A license may be annulled by a decision of a court based on a licensing body's application if the violation by a licensee of license requirements and conditions resulted in infringing rights and legal interests, health of citizens, state defense security, and cultural heritage of the

- data on license registered;
- grounds and data on license suspension and renewal;
- grounds and the license cancellation date;
- other data determined by the provision on license peculiarities for specific types of activity.

3. Data included into the license register shall be open for physical persons and legal entities.

4. License register data in the form of information extracts on the specific licensees shall be provided to physical persons and legal entities on a fee basis. The access fee with regard to the mentioned data shall amount to one minimal wage.

5. Fees for access to license register information shall be entered into State Budget.

6. License register data shall be provided to state power bodies free of charge.

- activity with conjunction to cargo lifting vehicles maintenance and repairs (except the cases where mentioned activity is implemented to meet own needs of legal entity or individual entrepreneur);
- operations of explosively hazardous production facilities;
- operations of fire risk production facilities;
- operations of chemically hazardous production facilities;
- operations of gas and oil extracting facilities;
- refining petroleum, gas, and their products

- production of disinfecting, disinesting, and deratizing means;
- passenger conveyance by inland water transport;
- cargo transportation by inland water transport;
- passenger conveyance by air;
- cargo transportation by air;
- passenger conveyance by road transport equipped for conveyance of more than eight passengers (except the case when the indicated activity is implemented to satisfy the own needs of legal entity or individual entrepreneur);
- passenger conveyance by passenger vehicle on a commercial basis;
- cargo transportation by road on a commercial basis with more than 10 tons lifting capacity (except for the cases if mentioned activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur);
- passenger conveyance by railway (except the cases if the indicated activity is implemented to satisfy the own needs of a legal entity or individual entrepreneur if there is no entry

Article 18. The List of Specific Activities Subject to Licensing

1. Pursuant to the present Law, the following types of activity shall be subject