

LAW OF THE REPUBLIC OF TAJIKISTAN ON STATE PROTECTION AND SUPPORT OF BUSINESS

The Present law regulates public relations related to state protect, support and business improvement in Republic of Tajikistan, providing state guarantees to activity of entrepreneurial subjects.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

Following concepts used in Present law:

- *state protect and support of business* – activity of Republic of Tajikistan’s state authorities, directed on realization of planned events of state programs and boundary business improvement;
- *entrepreneurial subject associations* – non-commercial organizations, established by entrepreneurial subjects in order to coordinate their activity, as well as representation and protection of legal rights and interests of entrepreneurial subjects;
- authorized state authority on state protect and support of business (hereinafter – authorized state authority) – central executive board of state authority, realizing state politics on business support and improvement;
- *entrepreneurship* – independent activity realized on rely of persons in defined by legislation of Tajikistan’s order, registered for profit-making with use of property, production, sales (execution of works and services);
- *entrepreneurial subjects* – legal and individuals passed state registration according to legislation of Republic of Tajikistan;
- *protect of entrepreneurial subject* – protect of legal rights and interests of business subjects by state authorities, authorized state authorities and executive local state authorities in defined by legislation of Republic of Tajikistan’s order;
- *business – incubator* – legal entity, who supports new entrepreneur in all stages of its activity;
- *board on business improvement and enhancement of investing sphere* – consulting board, established under the President of the Republic of Tajikistan and executive local board of state authority.

Article 2. Republic of Tajikistan legislation on state protect and support of business

Republic of Tajikistan legislation on state protect and support of business based on Constitution of Republic of Tajikistan, consisted from Present law, other

legal regulatory acts of Republic of Tajikistan, as well as international legal acts, recognized by Tajikistan.

Article 3. Business kinds

1. State recognizes and allows all kinds of business prescribed by legislation of Republic of Tajikistan.

2. Entrepreneurship realized in following kinds according to Republic of Tajikistan legislation:

- establishing legal entity; ;
- without establishing legal entity;
- using rental work;
- without using rental work.

Article 4. Main principles of state protect and support of business

To main principles of state protect and support of business in Republic of Tajikistan related:

- legality;
- transparency of business subjects' activity;
- equality of all business subjects;
- rights protect guarantee and providing free activity of business subjects;
- free participation of business subjects in preparation of draft of legal regulatory acts to the interests of related entrepreneur;
- advantage of small and medium business improvement.

Article 5. Business subjects and its kinds

1. To business subjects in Republic of Tajikistan relate:

- individuals (citizens of the Republic of Tajikistan, foreigners and noncitizens) realizing entrepreneurship;
- legal entities (commercial resident and nonresident organizations, branches and foreign legal entities representatives) realizing entrepreneurship.

2. Business subjects divided into following types:

- small;
- medium;
- big.

3. To small business subjects relate individual entrepreneur and legal entities, who have up to 500000 (five hundred thousand) somoni money turn annual.

4. To small business subjects not related individual entrepreneurs and legal entities, who realizes following activities:

- producing excisable products;
- producing primary aluminum;

- bank and insurance activity;
- activity related to regulating investment funds;
- professional activity in valuable papers market.

5. To medium business subjects relate legal entities, who have from 500000 (five hundred thousand) up to 15000000 (fifteen million) somoni money turn annual.

6. To big business subjects relate legal entities, who have more than 15000000 (fifteen million) somoni money turn annual.

Article 6. State registration of business subject

State registration of business subject done in order defined by Law of Republic of Tajikistan "On state registering legal entities and individual entrepreneurs"

Article 7. Business subject rights

Business subject has the right:

- to carry out all business activity, not prohibited by legislation of Republic of Tajikistan;
- to use property of state and non-state organizations in order defined by legislation of the Republic of Tajikistan;
- to participate in business activity of other business subjects;
- based on the agreement use property of legal entities, citizens of the Republic of Tajikistan, foreigners and noncitizens;
- prepare business activity program, choose producers and consumers of producing products (works and services);
- for state need execute production (works and services) based on agreement;
- open bank accounts, execute accountant operations and other financial operations;
- to use and dispose profit made from business activity;
- use state and social insurance in order defined by legislation of Republic of Tajikistan;
- in order defined by legislation of Republic of Tajikistan be a participant of foreign commercial relations, realize currency operations;
- define independently produced product price (works and services) within requirements of legislation of Republic of Tajikistan;
- establish business subject associations;
- participate in preparation of legal regulatory acts;
- participate in activity of boards on business improvements and investment sphere;
- apply to legal authorities and state reviser authorities for taking persons into responsibility for not following the rules of business subject;

- apply to juridical authorities in order to protect its rights and interests;
- participate during revision of business subject activity, executed by state reviser authority, and introduce all the reviser materials directly or with the help of its representative;
- on state purchase of product (work execution, services) participate in equal terms with other participants according to legislation of Republic of Tajikistan;
- use other rights defined by legislation of Republic of Tajikistan.

Article 8. Business subject obligations

Business subject obliged:

- follow legislation of Republic of Tajikistan, rights and interests of legal entities and individuals protected by law;
- provide conformity of produced products (works, services) to requirements of legislation of Republic of Tajikistan;
- according to labor legislation of Republic of Tajikistan sign employee contract with citizens, hired for work as well as sign collective contracts with labor collectives;
- not be an obstacle in order to protect its social and economic interests for hired employees for their unifying to professional unions;
- to pay employees salary not less than minimum wage defined by legislation of Republic of Tajikistan;
- to take measures on labor protect, ecological safeness, sanitary epidemiologic and safeness technic based on defined measures;
- pay taxes fully and in time;
- during bankruptcy implement all its obligations near creditors according to legislation of Republic of Tajikistan;
- not allow unhealthy concurrency and monopolistic activity;
- provide carrying out registration book of revision of business subject;
- for realizing that kind of activity, for which license required, purchase license according to legislation of Republic of Tajikistan;
- implement other obligations, not prohibited by legislation of Republic of Tajikistan.

Article 9. Protect of commercial secret and secret information on business subject

Secret information and commercial secret on business subject protected according to legislation of Republic of Tajikistan.

Article 10. Revision of business subject activity

Revision of business subject activity executed according to legislation of Republic of Tajikistan.

Chapter 2.

BUSINESS STATE PROTECT AND SUPPORT REGULATION

Article 11. Business state protect and support

1. Business state protect and support executed by government of Republic of Tajikistan, state authorities, authorized local authorities.

2. Business state support, done in legal, organized, financial, property, information ways as follows:

- entrepreneurship registration;
- taxes;
- licensing;
- revision of business subjects' activity;
- property registration;
- reporting;
- regulating monopoly;
- simplifying exporting and importing operation including legal acts recognized by Tajikistan;
- loans;
- moratorium of business subject activity revision.

Article 12. Rights and legal interests of business subject protect

Rights and legal interests of business subject protect executed in following ways:

- simplifying business subject registration order;
- limit revision of business subject activity based on legal regulatory acts;
- appeal of state authorities to the court for action (inaction) of state officials, in case of disturbing rights and legal interests of business subject;
- counting work experience of individual entrepreneur according to legislation of Republic of Tajikistan;
- using other ways, not prohibited by legislation of Republic of Tajikistan.

Article 13. Competence of Government of Republic of Tajikistan on state protect and support of business

To competence of Government of Republic of Tajikistan on state protect and support of business relates:

- controlling realization of state politics on business protect and support;
- defining authorized state board;
- accepting state support programs;
- accept and approve of legal regulatory acts, regulating business activity;
- establishing state Support business Fund;

- establishing business-incubators;
- defining state budget funds' amount for realization of state support programs;
- creating favorable conditions for investors, international organizations (grant givers) on business support and improvement issues;
- realizing other competences prescribed by legislation of Republic of Tajikistan.

Article 14. Powers of authorized state board

To powers of authorized state body relate:

- realizing state politics on business support and improvement;
- preparing and realization of business support and improvement programs;
- survey of business environment, training and presenting suggestions on improving business to Government of Republic of Tajikistan;
- preparing and presenting draft of legal regulatory acts, regulating business activity to Government of Republic of Tajikistan;
- contributing on establishment and improvement of business infrastructure in Republic of Tajikistan;
- controlling realization of legal regulatory acts of business activity;
- coordination of activity of central executive state board and local executive state board on business improvement;
- coordination of activity of board under the local executive state board;
- presenting suggestions to Government of Republic of Tajikistan on establishing business-incubators;
- contributing entrepreneur participation in realization of innovation improvement state programs, investing and construction;
- creating conditions to business subjects for participation in international market (works, services);
- international cooperation on business improvement;
- persuasion state politics on business support and improvement;
- coordination of business support and improvement programs;
- contributing for better indicators of business improvement of Republic of Tajikistan in international rating;
- promoting business subjects;
- creating favorable conditions for health concurrency;
- preparing and approving kinds of departmental reports, verification form, criteria of defining dangerous stage of business activity and conforming reviser plans of reviser board according to legislation of Republic of Tajikistan;
- realizing other powers, prescribed by legislation of Republic of Tajikistan.

Article 15. Board on business improvement and investment sphere

1. Board on business improvement and investment sphere (hereinafter – Board) prepares recommendations and suggestions on business and investment sphere improvement for President of the Republic of Tajikistan and other state authorities.
2. Selecting order of Board's member defined according to Charter of Board.
3. Charter and member staff approved by the Head of Board.

Article 16. Business – incubators

1. Business – incubators established in order to improve and support small and medium entrepreneurship. Legal and organizational type of business – incubators defined Government of the Republic of Tajikistan.

2. Main duties of business – incubators are:

- creating quality and professional service to small and medium newly established business subjects by methodical, informational, learning and legal support, as well as cooperation improvement between small and medium business subjects;

- leasing buildings to business subjects in preferential terms;

- legal awareness and education improvement of small and medium entrepreneurs;

- creating cooperation of small and medium businesses with state authorities;

- defining and solving raised issues in activity of small and medium businesses in local and republican stage;

- consulting on taxing issues;

- servicing on preparation of accountant and tax reports;

- education service on preparing newly established entrepreneur business program development;

- realizing other duties, prescribed by legislation of Republic of Tajikistan.

Article 17. Powers of executive local state board on state support of business

To powers of executive local state board on state protect and supports of business relate:

- preparing and realizing business support and improvement limited program;

- establishing limited boards on business improvement and better investment sphere;

- providing improvement of support infrastructure in executive local state board;

- defining funds amount from local budget for realization of limited business improvement programs;
- accepting related decrees on business subjects state support according to limited business improvement program.

Article 18. Main directions of state support of business

State support of business implemented in following main directions:

- improve of legislation of Republic of Tajikistan on entrepreneurial issues;
- possibility of free implementation all kinds of business, prescribed by legislation of Republic of Tajikistan;
- creating business state support centers, business-incubators, technological parks, free economic regions and other kinds of business infrastructure;
- providing methodological training and scientifically informational support to business subjects on the expense of state support of business Foundation;
- creating boards activity on business improvement and better investment sphere.

Article 19. Financial state support of business

Financial state support of business realized by state granting of grants for organizing and realizing projects of social character in economical spheres, realizing investment programs, and partly guarantee of business subject loans on the expense of state support of business Foundation.

Article 20. State support of business programs

1. Authorized state board and authorized local state boards prepare state support of business objectional programs according to amount of budget funding.
2. State support of business programs prepared and approved according to legislation of Republic of Tajikistan.

CHAPTER 3.

STATE GUARANTEE OF BUSINESS SUBJECTS PROTECT

Article 21. State guarantee of business subject protect

1. Business subject owned property right and protected by state.
2. The state guarantees free business, economic activity, equality and legal protect of all kinds of property, as well as private property.
3. Obtain property of business subject for state needs only based on law and its consent with paying its full cost or suggesting property of same cost.
4. Moral and material damage to business subject, as a result of illegal action (inaction) of state officials, organizations, public associations or other persons compensated according to legislation of Republic of Tajikistan.

Article 22. Guarantee from intervene to business subject activity

1. Intervene, illegal action (inaction) of state officials, authorized local state boards, state control and verification authority, as well as law enforcement authorities to business subject activity prohibited.

2. Restricting rights of business subject for participation in state purchasing of goods (works, services) not allowed.

CHAPTER 4. FINAL PROVISIONS

Article 23. Disputes resolving procedure

Disputes on state protect and support of business considered according to legislation of Republic of Tajikistan.

Article 24. Responsibility for noncompliance of Present law

Individuals, legal entities for noncompliance of Present law brought to justice, in order defined by legislation of the Republic of Tajikistan.

Article 25. On cancellation of recognition Law of the Republic of Tajikistan “On state protect and support of business in Republic of Tajikistan”

Law of the Republic of Tajikistan from May 10, 2002 “On state protect and support of business in Republic of Tajikistan” (Parliament of the Republic of Tajikistan, year of 2002, №4, part 1, art.293; year of 2005, №7, part 1, art.400; year of 2007, №5, part 1, art.364; year of 2008, №12, part 2, art.997; year of 2010, №12, part 1, art.817; year of 2011, №3, art.168) cancelled from recognition.

Article 26. Entering into force of Present law

Present law enters into force after its official publication.

**President
of the Republic
of Tajikistan
Emomali Rahmon**

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