



December 2020

In this issue:

- Cabinet of Ministers set new amounts of state guarantees for loans to be obtained by business entities in 2021
- 2. On The Rules for providing information on founders (participants) of commercial legal entities, shares in the authorized capital and owners of securities to monitoring participants and other persons participating in monitoring have been amended.
- There are some reforms in the Tax Code of Azerbaijan Republic
- 4. Milli Majlis amended the Law of the Republic of the Azerbaijan on Deposit Insurance
- The supply of natural gas within the Republic of Azerbaijan will be organized
- **6.** New changes in the Customs Code of Republic of Azerbaijan

•••

- 1. The Decree "On the number of measures to provide state support for loans to businesses to reduce the negative impact of the coronavirus (COVID-19) pandemic on the country's economy" has been amended on December 1, 2020. New changes have been in the Decree to provide state guarantees and subsidize interest rates on bank loans to businesses operating in areas affected by the coronavirus (COVID-19) pandemic. Consequently, the loans should be obtained by business entities, will be provided with state guarantees up to 90 (ninety) million manats by 2020, up to 210 (two hundred ten) million manats in total.
- 2. On December 9, 2020, the Cabinet of Ministers amended the Rules for providing information about shares on the charter capital and ownership of securities to monitoring participants and other persons participating in monitoring. These changes define the definition of the information system and the nominal holder.
 - information system Automated Tax Information System of the State Tax Service under the Ministry of Economy of the Republic of Azerbaijan or Information System of the National Depository Center, which provides information on the beneficiary owner to the monitoring participants and three other persons participating in the monitoring;
 - nominal holder a foreign depository or foreign investment company registered in the register of securities owners, which is not the owner of the securities, exercising the rights to securities on behalf

of and behalf of the investor based on a contract or power of attorney;

In addition, the timeframe the data holder shall respond to inquiries (except the inquiries regarding the information on beneficiary owners) are set accordingly:

• The data holder responds to inquiries of monitoring participants within 1 (one) working day, inquiries of other persons participating in monitoring within 3 (three) working days, and inquiries of notaries within a day;

Additionally, with regard to the information on the beneficial owners in the nominal holder's account the data holder shall respond to the requests of monitoring participants and of other persons participating in the monitoring within 7 (seven) working days.

3. According to the Law on the changes to the Tax Code, import of new types of coronavirus (COVID-19) vaccines and syringes intended for those vaccines are exempt from VAT for the period from January 1, 2021 to 2 years. Additionally, imports of equipment and materials within the framework of reconstruction projects of large oil refineries (annual refining capacity of not less than 3 million tons of crude oil) are exempt from VAT from January 1, 2021 to 2 years.

For the avoidance of doubt, the mentioned imports will be carried out on the basis of the document of approval from the body (institution) determined by the relevant executive authority.

4. On December 18, 2020, Milli Majlis amended the Law of the Republic of the Azerbaijan on Deposit Insurance. According to the changes, funds belonging to individuals deposited to a notary's deposit account are also included to the definition of deposits. Additionally, the amount exceeding 20 (twenty) thousand manats in bank accounts opened by individuals in connection with entrepreneurial activity are added to the list of unprotected deposits. Pursuant to the new amendment, it was established that the compensation for cash in bank accounts by individuals in opened connection entrepreneurial activity shall not exceed 20 (twenty) thousand manats, and the compensation for cash belonging to individuals in deposit accounts of notaries shall be paid in the amount of 100 per cent of that money.

Eventually, it is worth to note that this law will come into force on April 5, 2021.

- 5. The Decision of the Cabinet of Ministers, dated December 28, 2020, states that for the purposes of optimization, increasing the efficiency of natural gas purchase and sale operations in the domestic market and ensuring centralized management in this regard, the supply of natural gas within the Republic of Azerbaijan will be organized accordingly. As per the decision, from January 1, 2021, purchase of natural gas in the domestic market of the Republic of Azerbaijan from the natural gas producers and arrangement of its transportation and sale to domestic distributors and consumers are assigned to the authority of the State Contract Corporation of the Republic of Azerbaijan "Azercontract" Open Joint-Stock Company (hereafter - "Azercontract" OJSC). The State Oil Company of the Republic of Azerbaijan (hereafter - SOCAR) will provide the following works to "Azercontract" OJSC:
 - Sale of commercial gas produced by SOCAR and its subsidiaries ("Azneft" Production Association) (excluding volumes of gas intended for export under the approved Fuel and Energy Balance for each year);
 - Transfer of rights and obligations under gas supply contracts with two gas producers operating within the Republic of Azerbaijan;
 - Transfer of rights and obligations under gas sales contracts with consumers and distributors of the domestic market ("Azerenergy" Open Joint-Stock Company, "Azerigas" Production Association and Gas Operation Service of the Nakhchivan Autonomous Republic);
 - Signing of relevant service agreements between SOCAR (Gas Export Department) and Azercontract OJSC for executing of operations on preparation, transportation and storage of gas volumes between domestic gas producers and consumers (distributors). The above issues will be carried out under the terms of the contracts and applicable law.
- 6. On December 29, 2020, the Law on amendment of the Customs Code of Azerbaijan Republic is passed by Milli Majlis. The deadline for payment of the tax levied on the entry of vehicles registered in foreign countries into the customs territory has been settled. As per the new changes, road tax is levied by the customs

authorities when vehicles registered in foreign countries enter the customs territory and is transferred to the state budget within 1 (one) banking day. As a matter of law, the road is levied by the customs authorities at the customs border checkpoints or customs clearance points when vehicles registered in foreign countries enter the customs territory, and at customs border checkpoints when leaving the customs territory. For the avoidance of doubt, the new rule is subject to the permission form.

It is worth to note that this Law shall enter into force 30 (thirty) days after its publication.

•••

BHM Legal Update is organized by themes about major legal processes which aim to alert businesses

About significant laws, legislative changes and landmark court decisions.

This material should not be construed as legal advice or legal opinion.

FOR MORE INFORMATION:

"SKS" Plaza, 7th floor, 49 Fuzuli Str., AZ1014 T. (+99412) 4800088 office@bhm.az www.bhm.az

©BHM Law Firm LLC. All rights reserved.