



LEGISLATION UPDATE

BHM Law Firm cares about your business
and keeps you up-to-date
on the latest developments in the legislation

September, October, November, December
2022



Date, heading

Updates

08 September, 2022

Newly established Agency

With decree of the President of the Republic of Azerbaijan dated 08 September, 2022, the charter of **Azerbaijan Land Transport Agency** has been approved. The Agency regulates the field of road transportation, ensures the need for road transport and other road transport services in the Republic of Azerbaijan, rules and requirements for international and domestic passenger and cargo transportation, as well as it supervises compliance with the provisions of the normative legal acts of the Republic of Azerbaijan and the international agreements in this field.

For further details:

<https://president.az/az/articles/view/57136>

17 September, 2022

Lists of state bodies within media field

With decree of the President of the Republic of Azerbaijan dated 17 September, 2022, the list of state bodies (institutions) that carry out audio-visual terrestrial broadcasting has been approved:

“AzTV”, “İdman TV”, “Mədəniyyət TV” as a television broadcasters and “Azərbaycan Radiosu”, “ASAN Radio”, “Avto FM” as a radio broadcasters.

With this decree, the list of state bodies (institutions) that can be founders of a printing media entity has also been approved.

For further details:

<https://president.az/az/articles/view/57241>

<https://president.az/az/articles/view/57240>

26 September, 2022

Rules for Media Registry approved

On 26th of September, 2022, the President of the Republic of Azerbaijan signed a decree on approving “Rules on Media Registry”. The media registry is an information resource managed by the Media Development Agency of the Republic of Azerbaijan, consisting of electronic documents or a collection of documents (documented information) that collects information on media subjects, including their editorial offices, as well as journalists.

For further details:

15 October, 2022
New public entity established

<https://president.az/az/articles/view/57375>

With decree of the President of the Republic of Azerbaijan dated 15 October, 2022, “**Azerbaijan Science Foundation**” public entity was established and its charter was approved. The Foundation is a public legal entity operating in the field of grants for fundamental, applied and experimental researches and other scientific activities in the natural, technical, humanitarian and social fields.

For further details:

<https://president.az/az/articles/view/57578>

21 October, 2022
Newly established Agency

The President of the Republic of Azerbaijan has signed a decree on approving the Charter of the **Innovation and Digital Development Agency**. The agency organizes, coordinates, and implements activities in the field of digital development (including control and regulation), implementation of complex measures and innovation activities in the field of high technologies, nuclear sciences, nuclear technologies, and nuclear energy, as well as providing assistance to individuals and legal entities in obtaining modern technologies and technological solutions, promoting innovation-oriented scientific research and innovative projects (as well as start-ups), providing financial support to innovative projects, and promoting innovation initiative.

For further details:

<https://president.az/az/articles/view/57665>

21 October, 2022
Newly established Agency

With decree of the President of the Republic of Azerbaijan dated 21 October, 2022, the Charter of **Information Communication Technologies Agency** has been approved. The Agency carries out certification, accounting, regulation and control (including quality control) in the field of information and communication technologies and communications, including the regulation of mutual relations between telecommunications operators and management of the radio spectrum.

For further details:

<https://president.az/az/articles/view/57663>

03 November, 2022

Newly established governing body

The President of the Republic of Azerbaijan has approved the regulation for **Central Governing Body** established in the areas where the state of emergency is imposed. With the establishment of the central governing body, the temporary special governing bodies cease their activity. In addition, the exercise of powers of local executive authorities and local self-government bodies is suspended, and their functions are now performed by the central governing body.

For further details:

<https://president.az/az/articles/view/57768>

16 November, 2022

Newly established Agency

The President of the Republic of Azerbaijan has approved the charter of **Cinema Agency** with a decree dated 16 November, 2022. The agency operates under the Ministry of Culture of the Republic of Azerbaijan. Main activities of the Agency include the development of cinematography in the Republic of Azerbaijan, including local and joint film production, organizing the promotion of film culture, stimulating the activities of cinematographic enterprises and film industry participants, as well as the application of new information and communication technologies and innovation in the field of cinematography.

For further details:

<https://president.az/az/articles/view/57878>

16 November, 2022

New Convention ratified

With the Law dated 16 November, 2022, Azerbaijan has ratified the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. The Convention envisages establishment of appropriate means to ensure timely delivery of judicial and non-judicial documents to be submitted abroad to the attention of the addressees.

For further details:

<https://president.az/az/articles/view/57886>

24 November, 2022

Additions to the Labour Code

With new addition to Article 11 of the Labour Code of the Republic of Azerbaijan, main rights of the employer have been extended to include the following:

“ğ) arranging additional education of employees at additional educational institutions for the purposes of development of employee’s level of professional training,

acquiring new qualifications, as well as improvement of their qualifications.”

According to the new addition to Article 65.5 of the Labour Code when determining the suitability of the employee for the position he/she holds, the results of development of the level of professional training, acquisition of a new qualification and improvement of the qualification of an employee during the last 5 (five) years will be taken into account.

Furthermore, new addition to 78.1 of the Code defines that the employer must take into account the improvement of the level of professional training of employees, the acquisition of new qualifications and the improvement of their qualifications in order to determine the level of professionalism of the employee when reducing the number of employees or staff redundancy.

For further details:

<https://www.e-qanun.az/framework/46943>

29 November, 2022
New Article in the Criminal Code

Article 99-10 has been added to the Criminal Code establishing the period requirements to consider that a legal person has not previously been subject to a criminal-legal measure:

- 1) If 1 year has passed from the day when the legal person, convicted for a crime that does not cause a great public danger, has completed the sentence for the committed crime;
- 2) If 2 years have passed since the day when the legal entity, convicted for a crime of minor gravity, has completed the sentence for the committed crime;
- 3) If 6 years have passed since the day when the legal entity, convicted for a grave crime, has completed the sentence for the committed crime;
- 4) If 8 years have passed since the day when the legal person, convicted for an especially grave crime, has completed the sentence for the committed crime.

For further details:

<https://www.e-qanun.az/framework/46947>

30 November, 2022
Amendments to the Labour Code

Amendment to the Article 240.1 of the Labour Code defines that an employer may refuse to sign an employment contract with woman who are pregnant or have children under one year of age for jobs performed in workplace which have harmful and difficult working conditions, as well as underground works.

Pursuant to the addition to Article 243.2-1 of the Labour Code of the Republic of Azerbaijan in below situations, the employer must transfer women who are pregnant or have children under one year of age to light works until those situations no longer exists:

- 1) If these persons work in occupations (positions) with harmful and difficult working conditions, as well as underground works or;
- 2) If these persons work in production units which have harmful effect for human life.

Furthermore, the Article 241 of the Labour Code implying the list of workplaces and jobs prohibited for women is terminated.

For further details:

<https://www.e-qanun.az/framework/46943>

05 December, 2022
Amendments to Law on State Duty

With the new amendment to Article 20-4.2 of the Law on State Duty, manufacturers and importers of tobacco products are exempt from paying the state duty for issuing compulsory marking to excise goods. According to the amendment, manufacturers and importers of tobacco products are exempted from paying the state duty within 1 month from the date of receiving the notification about joining the information system of the State Tax Service under the Ministry of Economy of the Republic of Azerbaijan. The State Tax Service can extend the exemption period 5 times, provided that it does not exceed 1 month each time.

For further details:

<https://e-qanun.az/framework/2860>

06 December, 2022
*Amendments to Criminal Code and
Code of Administrative Offenses*

According to the new Article 206-1 added to the Criminal Code, without features of smuggling, engaging in activities of illegal transfer of funds from the Republic of Azerbaijan to a foreign country or from a foreign country to the Republic of Azerbaijan by offsetting and other mutual settlement methods, in a significant amount (in an amount exceeding 50.000 manats, but not more than 200.000 manats) shall be punished by a fine in the amount of 40 percent of the value of the object of crime or restriction of freedom for a term of up to two years with a fine of 40 percent of the value of the criminal object.

If such an illegal acts are committed:

- 1) by official with use of service position or in large amount (that is, in an amount exceeding 200,000 manats), a fine is from 40 percent to 60 percent of the value of the object of crime or with a fine of 40 percent of the value of the object of crime with the restriction of freedom for a period of 2 to 4 years or imprisonment for a period of up to 3 years.
- 2) in significant amount, a fine is the amount of 40 to 60 percent of the value of the object of the crime with restriction of freedom from a period of 3 to 5 years or imprisonment for a period of 3 to 5 years.

According to the amendment to the Code of Administrative Offenses of the Republic of Azerbaijan, in the case of above-mentioned acts, a fine is in the amount of 40 percent to 60 percent of the amount of money directly acting as an object if the act committed in a small amount.

For further information:

<https://e-qanun.az/framework/46947>

<https://e-qanun.az/framework/46960>

15 December, 2022

New Model Charter approved

On 15 December, 2022, new Model Charter on clusters of micro, small and medium business entities has been approved. The Model Charter governs the organizational, legal and economic bases of the creation and liquidation of clusters of micro, small and medium business subjects, as well as the implementation of entrepreneurial activity in SME cluster.

For further details:

<https://e-qanun.az/framework/52952>

27 December, 2022

Newly adopted law

On December 27, 2022, new Law on **Public-Private Partnership** has been adopted. The new law regulates the relations between the state, the competent authority, the state and the private partner, as well as the claimant, in the implementation of public-private partnership projects related to the provision of public services, as well as the creation and management of infrastructure for the provision of those services in the territory of the Republic of Azerbaijan.

For further details:

<https://e-qanun.az/framework/53020>

28 December, 2022

Amendments and additions to the Labour Code

The new Article 21-1 has been added to the Labour Code, regulating the terms of benefits and privileges for the specialists working in the liberated territories. The benefits and privileges stipulated in Labour Code as well as other laws can be granted to the specialists if the following conditions coexist:

- the employer with whom the specialists concluded an employment agreement (contract) shall have tax registration in the liberated territories;
- the place of work of specialists under the employment agreement (contract) shall be located in the liberated territories; and
- specialists shall settle in the liberated territories.

If any of above-mentioned conditions are violated, the application of benefits and privileges will be suspended.

Another addition is made with new Article 118-1 which implies an additional leave for a period of 5 calendar days

28 December, 2022
Duties for work permits amended

for specialists working in the liberated territories of the Republic of Azerbaijan, regardless of the duration of the main and additional vacations.

These additions shall be in force from 01 January, 2023 to 01 January, 2028.

For further details:

<https://www.e-qanun.az/framework/46943>

With the new amendment to the Law on State Duty, foreigners and stateless persons engaging in paid labour activities in the territory of the Republic of Azerbaijan will be able to issue and extend their work permits for 1 year 6 months and for 2 years by paying the following duties:

Pursuant to Article 18.58.1 of the Law, if the work permit is issued or extended in 10 working days:

for up to the period of 1 year and 6 months – 1600 AZN;

for up to the period of 2 years – 1800 AZN;

Pursuant to Article 18.58.2 of the Law, if the work permit is issued or extended in 15 working days:

for up to the period of 1 year and 6 months – 1400 AZN;

for up to the period of 2 years – 1600 AZN;

Pursuant to Article 18.58.3 of the Law, if the work permit is issued or extended in 20 working days:

for up to the period of 1 year and 6 months – 1200 AZN;

for up to the period of 2 years – 1400 AZN.

For further details:

<https://e-qanun.az/framework/2860>

30 December, 2022
“AYNA” information system

With Decree of the President of the Republic of Azerbaijan dated 30 December, 2022, the Charter of “AYNA” information system has been approved. “AYNA” information system operates under the Ministry of Digital Development and Transport of the Republic of Azerbaijan.

The information system serves to improve the quality of passenger transportation and cargo transportation services in the field of road transportation and to expand the application of innovative solutions. The information system provides the services in the field of road transportation in electronic form and the availability of information.

For further details:

<https://president.az/az/articles/view/58521>

30 December, 2022
Minimum living wage approved

With the Law on Minimum Living Wage, the amount of minimum living wage for relevant groups of the population in the Republic of Azerbaijan has been increased.

According to the law, from January 1, 2023, minimum living wage will be set at 246 manats for the country in general, 261 manats for the working population, 199 manats for pensioners, and 220 manats for children.

For further details:

<https://president.az/az/articles/view/58494>

For more information, please contact:

“SKS” Plaza, 7th floor, 49 Fuzuli Str., AZ 1014, Baku

Tel. (+99412) 4800088

office@bhm.az

www.bhm.az

© BHM Law Firm LLC. All rights reserved.

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